

A SUMMARY OF LEGISLATION
TRULY AGREED TO AND FINALLY PASSED

by the

94th General Assembly

First Regular Session



2007

Prepared by the
Divisions of Research, Computer Information Systems
and Administration
of the
MISSOURI SENATE

CCS/HCS#2/SS/SCS/SB 3 - This act modifies various provisions relating to mental health.

VULNERABLE PERSONS

This act defines "vulnerable person" as any person in the custody, care, or control of the department that is receiving services from an operated, funded, licensed, or certified program. This act also creates the crime of "vulnerable person abuse" and provides for mandatory reporting of suspected vulnerable person abuse as well as investigation protocols. (Sections 565.210 to 565.220, 630.005, 630.163)

SEX OFFENDER NOTIFICATION

This act provides that the Department of Mental Health shall develop rules, guidelines, and protocols for an initial notification to parents or guardians of a resident when first entering the care and custody of the department regarding the possibility of being placed in a facility with another resident who is either a registered sexual offender or who has been determined to lack capacity to stand trial for offenses the resident would have otherwise been required to register as a sexual offender. Such rules and protocols shall include the process and mechanisms for assessing risk, for planning and providing care and safety, and for the provision of services and supports necessary to mitigate risk for persons residing in a state mental health facility.

The department shall also notify a parent or guardian of a resident that a registered sexual offender is residing in or has been placed in the same state facility as the resident. Such protocols shall also provide a mechanism for the parent or guardian to raise any concerns and to seek consultation prior to placement of the registered sexual offender.

The department shall also develop rules and protocols to obtain consent from the parent or guardian of a resident who has been determined to lack capacity to stand trial for offenses the resident would have otherwise been required to register as a sexual offender to disclose his or her name and criminal charges to the other parents or guardians of residents residing in the same facility. Such request for disclosure shall inform all parties of the steps to be taken in the event consent to disclose is given or denied. Refusal to grant consent under this subsection by a parent or guardian shall not prevent placement. (Section 630.127)

ABUSE AND NEGLECT INVESTIGATIONS

Under current law the findings of abuse and neglect investigations conducted by the Department of Mental Health are confidential and reports of the investigations can only be issued to the parent or guardian of the Department of Mental Health client who is the subject of the investigation. This act makes the final reports of substantiated Department of Mental Health abuse and neglect investigations at state facilities and contract providers issued on or after August 28, 2007, available as public documents, with restrictions on the release of any identifying information about clients and staff. (Section 630.167)

This act also provides that records and files maintained in any court proceeding shall be confidential and available to the Missouri state highway patrol for reporting to the National Instant Criminal Background Check System (NICS). (Section 630.140).

This act increases the penalty for a mandated reporter not reporting abuse and neglect from an infraction to a Class A misdemeanor. This act also imposes sanctions and penalties on providers that prevent or discourage the reporting of abuse and neglect. (Section 630.165)

CIVIL IMMUNITY AND ADMINISTRATIVE PENALTIES

SPONSOR: Gibbons

HANDLER: Stevenson

This act gives civil immunity to employees of the Department of Mental Health and contract providers who engage in discussion with the intent to help ensure that facilities and providers are aware of past history of potential employees that might create a danger to clients. (Section 630.950)

This act increases the penalty for community providers who do not correct problems cited by the Department of Mental Health in licensing inspections. The current fine is 100 dollars per day. This act increases the penalty for up to 10,000 dollars per day. (Section 630.755)

LICENSURE

The Department of Mental Health shall notify the Department of Health and Senior Services within ten days of revoking a license of an operator of a facility. If the Department of Health and Senior Services has not already done so, the department shall, within 30 days of such notice, initiate an investigation of the facility to determine whether licensure action is appropriate. (Section 630.725)

MENTAL HEALTH FATALITY REVIEW PANEL

This act establishes a mental health fatality review panel to review all suspicious deaths of clients of the Department of Mental Health. (Sections 630.925 to 630.927)

The director of the Department of Mental Health shall promulgate rules, guidelines and protocols for hospitals and physicians to use to help them identify suspicious deaths of clients in the care and custody of the department. (Section 630.975)

ADRIANE CROUSE

SPONSOR: Gross

HANDLER: Icet

SCS/SB 4 - This act extends the sunsets for the Medicaid Managed Care Organization reimbursement allowance and the Pharmacy Tax from June 30, 2007 to June 30, 2009. The sunset of the Federal Reimbursement Allowance assessment and Nursing Facility Reimbursement Allowance are extended from September 30, 2007 to September 30, 2011.

This act contains an emergency clause.

JASON ZAMKUS

SPONSOR: Scott

HANDLER: Pearce

SCS/SB 16 -Beginning July 1, 2008, every child enrolling in kindergarten or first grade shall receive one comprehensive vision examination performed by a state licensed optometrist or physician.

The act requires the Department of Elementary and Secondary Education and the Department of Health and Senior Services to compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced cost basis. A child may be excused from taking a vision examination by submitting a written request to the appropriate school administrator.

Beginning July 1, 2008, all public school districts shall conduct an eye screening for each student once before the completion of first grade and again before the completion of third grade. The eye screening method shall be approved by the Children's Vision Commission, which is established in this act, and shall be performed by an appropriately trained school nurse or other trained and qualified employee of the school district. The screening results, with all identifying information removed, shall be sent, via electronic form, to the Department of Health and Senior Services.

The Children's Vision Commission shall be composed of seven members including two ophthalmologists, two optometrists, one school nurse, one representative from the Department of Elementary and Secondary Education, and one from the Missouri State School Boards Association. The duties of the Commission shall be to adopt standardized eye screening and examination tests, reporting forms, and appropriate training programs for school district staff. The Commission shall also conduct a pilot project to track the results of the eye screening versus eye examinations conducted based on the reports submitted by school districts to the Department of Health and Senior Services. By December 31, 2011, the Commission shall submit a report to the General Assembly detailing the results of the study along with data on the number of students who received a follow-up examination from an optometrist, ophthalmologist, physician, or doctor of osteopathy and the results of those examinations to determine the effectiveness of eye examinations versus eye screening. The Department of Health and Senior Services shall provide staff support to the Commission.

Further, the act alters the statutorily-allowed uses for the "Blindness Education, Screening and Treatment Program Fund." The fund shall cover additional costs for vision examinations under this act that are not covered by existing public health insurance. Subject to appropriations, moneys from the fund shall be used to pay for those additional costs, provided that the costs from the fund not exceed ninety-nine thousand dollars a year. Payment from the fund for vision examinations under this act shall not exceed the allowable state medicaid reimbursement amount for vision examinations.

This act shall sunset in five years. This act is similar to SCS/SB 687 (2006).

ADRIANE CROUSE

SPONSOR: Griesheimer

HANDLER: Schneider

CCS/HCS/SS/SCS/SB 22 - This act modifies the laws regarding political subdivisions.

Section 41.655

Current law authorizes Johnson County to plan and zone an area surrounding a military base located in the county, provided that the county has a zoning commission and a board of adjustment. This act removes the requirement that the county must have such a commission and board. Johnson County is authorized to adopt and enforce airport hazard area zoning regulations that are substantially similar to current airport zoning and regulation laws, with certain variances from the current laws.

This section similar to certain provisions of SCS/SB 898 (2006) & HB 1398 (2006).

Section 50.032

This section prohibits a county from receiving state funds unless the county has agreed by ordinance or order to engage in mediation if a dispute arises concerning a financial expenditure between such county and another county as to which is fully responsible or if both counties are partially responsible for paying such expenses.

Costs of the mediation will be shared between the counties involved. Such mediation shall be nonbinding and independently administered. If the counties cannot agree on a mediator, the matter will be resolved by a three-person arbitration panel consisting of a county commissioner selected by each county and one person selected by the selected county commissioners. If a panel is necessary, each county shall jointly and equally bear the expenses. Any decision issued by the panel may be appealed to the circuit court.

Section 50.565

This section provides that current or former county elected officials and current or former employees of the county commission shall not be appointed to the board of trustees that supervises the county law enforcement restitution fund. Currently, any current or former employees of the sheriff, prosecuting attorney, and treasurer are excluded.

It also states that money from such fund may be used only for county law enforcement-related expenses, rather than law enforcement-related expenses in general.

This section is similar to HCS/SB 770 (2006), SB 44 (2007), HCS/HB 406 (2007), SS/SCS/SB 69 (2007), HB 726 (2007).

Section 50.660

This section eliminates the requirement of advertising for county contracts or purchases involving an expenditure of less than \$6,000.

Section 50.1250

Currently, members of the County Employees' Retirement System who terminate employment and have a fund balance of \$5,000 or less in their defined contribution account receive a lump sum distribution automatically. This act changes the account balance to \$1,000 or less.

This section is identical to HB 875 (2007) and a provision of SS/SCS/HB 69 (2007).

Sections 52.290, 52.312, 52.315. & 52.317

SPONSOR: Griesheimer

HANDLER: Schneider

These sections increase the tax imposed upon delinquent and back tax statements for the collection of such taxes for Jackson County from two percent to three percent.

These sections are similar to provisions of SS/SCS/HB 69 (2007), SS/SCS/HB 125 (2007), HCS/SCS/SB 497(2007), and HCS/SB 582 (2007).

Sections 58.500, 58.510, 110.130, 110.140, 110.150, 473.743

Current law requires unclaimed money or property found upon a deceased person be delivered to the public administrator. This act requires the public administrator to follow the procedures laid out for taking charge of a deceased person's estate. In addition to other circumstances, the public administrator shall have the duty of taking charge of a deceased person's estate when monies are delivered to him or her by the county coroner.

These sections change the deadline from April 1 of each year to any date on or before the first Monday of July for county commissions to receive proposals and publicly open bids from banks to be selected as the depositaries of county funds. The provision requiring counties to divide the funds is repealed.

These sections are similar to HCS/SCS/SB 497 (2007) & SS/SCS/HB 69 (2007) and HCS/HB 919 (2007).

Sections 64.940 & 67.2555

These sections increase the amount of expenditure by the Jackson County Sports Authority or the county executive of Jackson County that must be competitively bid from \$5,000 to \$25,000.

These sections are similar to certain provisions of SS/SCS/HB 69 (2007).

Section 66.010

This section permits any charter county to prosecute violations of county ordinances in circuit court or county municipal court, rather than permitting only such counties whose charters authorize the creation of a county municipal court to have either choice. The Jackson County ordinance regarding the county municipal court may provide for regular sessions of the court in the evening hours after 6:00 p.m. and at locations outside the county seat. Other charter counties are required to have such regular evening sessions.

This section is similar to certain provisions of SS/SCS/HB 69 & HCS/SB 516 (2007).

Section 67.048

This section requires county boards that receive funding from the county treasury and whose members are appointed by the county commission to submit an annual report each fiscal year itemizing expenditures.

This section is identical to a provision of SS/SCS/HB 69 (2007).

Sections 67.110 & 137.055

These sections require political subdivisions to provide additional information to taxpayers before the public hearing held prior to the setting of tax rates.

SPONSOR: Griesheimer

HANDLER: Schneider

These sections are similar to portions of SCS/SB 1140 (2006) & SB 554 (2007).

Section 67.304

This section allows the governing body of any municipality or county to authorize an organization to stand in a road to solicit charitable contributions. Any organization must file a written application no later than 11 days before the solicitation. The act specifies what information must be provided in the application.

The governing body may require the applicant to obtain a permit or pay a reasonable fee. It may also require proof of liability insurance or set a minimum age requirement for persons soliciting.

Solicitation collections shall only be conducted at intersections controlled by electronic signal lights or by four-way stop signs. The governing body may set a minimum age for people soliciting contributions.

This act is similar to SB 1161 (2006), HCS/HB 1119 (2006) & HB 384 (2007).

Section 67.320

Currently, Jefferson County may adopt orders with penal provisions consistent with state law in the areas of traffic violations, solid waste management, and animal control. Under this section, the county would be able to adopt such orders regarding zoning orders, on-site sewer treatment, and county building codes.

This section is similar to SB 1102 (2006), SB 213 (2007), SS/SCS/HB 69 (2007).

Section 67.321

The governing body of any county or municipality shall have the authority to establish an ordinance to allow patrons' pets, except specialty pets within certain designated outdoor portions of public food service establishments. The governing body shall require certain information from the public food service establishments.

Section 67.457

Currently, an alternative form is available to create a neighborhood improvement district when 2/3 of the property owners in the area sign a petition. Under this section, each owner of record of real property located in the proposed district is allowed one signature. Any person, corporation, or limited liability partnership owning more than one parcel of land located in such proposed district shall be allowed only one signature on such petition.

This section is similar to HB 283 (2007) & HB 1221 (2007).

Section 67.463

This section allows the Boone County collector to collect a fee for collection of certain property assessments.

Section 67.797

When a regional recreational district is organized in only one county on land solely owned by the county, the governing body of the county shall have the exclusive control of the expenditures of money in the regional recreational fund. It shall also have control of the public parks, trails, and recreational

SPONSOR: Griesheimer

HANDLER: Schneider

facilities owned, maintained or managed by the county within the district.

This section is similar to SB 218 (2007), CCS/SB 223 (2007), HB 361 (2007), HCS/HB 919 (2007), SS/SCS/HB 69 (2007).

Section 67.997

This section authorizes Perry County to impose, upon voter approval, a sales tax of up to one-fourth of 1% to equally fund senior services and youth programs. A senior services tax commission must be established to administer the revenue received for senior services. This section contains ballot language and a procedure to repeal the tax. After approval, the county shall enter into an agreement with the Department of Revenue to collect the tax.

This section is similar certain provisions of CCS/SB 233 (2007), CCS/HCS/SB 30 (2007), HCS/HB 1089 (2007), SCS/HCS/HB 795 (2007), HCS/HB 234 (2007), & SS/HB 205 (2007).

Section 67.1000

This section specifies that in Pulaski County, for the purpose of collecting a transient guest tax, the term "transient guest" means a person who occupies a room in a hotel or motel for ninety days or less during any calendar quarter. The act also repeals a duplicate version of this provision enacted in 1998.

This section is similar to SS/SCS/HB 69 & SCS/HCS/HB 795 (2007).

Section 67.1003

This section authorizes the City of Gladstone to impose, upon voter approval, a transient guest tax of up to 5% on hotel and motel rooms to be used for the promotion of tourism.

This section is identical to a provision of CCS/SB 233 (2007), HCS/SB 81 (2007), HCS/HB 919 (2007), & HB 271 (2007).

Section 67.1181

This section requires political subdivisions that collect and expend tax revenues for advertising and tourism promotion to perform an audit at least every five years if no other statutory auditing requirement exists for such political subdivision. The political subdivision shall pay the actual cost of the audit from the revenues for operating costs. The first audit shall be completed by January 1, 2009.

This section is identical to a provision of SS/SCS/HB 69 (2007).

Section 67.1360

This act allows the City of Sullivan and the portion of the Sullivan C-2 School District located in Franklin County to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels, motels, bed and breakfast inns and campgrounds or docking facilities. The proposed tax must be submitted to the voters and shall not be less than 2% or greater than 5% per occupied room per night.

This section allows the City of Hollister to levy a transient guest tax on charged for sleeping rooms paid by guests of hotels, motels, bed and breakfast inns and campgrounds or docking facilities.

Provisions of this section are similar to HCS/SB 81 (2007), SS/SCS/HB 69 (2007), SS/HB 205 (2007), HB 595 (2007), HCS/HB 624 (2007), SCS/HCS/HB 795 (2007), & HCS/HB 919.

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HANDLER: Schneider

Sections 67.1401, 67.1485, 67.1561

These sections change the definition of "per capita" for certain condominiums so the term means one head count applied to the applicable unit owners' association and not to each unit owner for the purposes of the Community Improvement District Act. Districts organized as nonprofit corporations may merge with another district as a nonprofit organization.

This section is similar to HB 1042 (2007).

Section 67.1451

Currently, the law allows each director of a Community Improvement District Board to be: 1) an owner of real property within the district; or 2) a registered voter within the district.

Under this section, if there are fewer than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the property owners within the district.

This section is similar to certain provisions of HCS/HB 919 (2007), HB 1883 (2007), & HB 1178 (2007).

Section 67.1545

This section clarifies that a CID election to impose a district sales and use tax is conducted under the CID laws, and not Chapter 115.

This section is similar to HCS/HB 919 (2007) & HB 1183 (2007).

Section 67.2040

This section authorizes Pulaski County to impose, upon voter approval, a sales tax of one-eighth of 1% to fund construction of a women's and children's shelter. The sales tax will expire three years after its effective date unless repealed sooner. This section contains ballot language.

Sections 67.2500, 67.2505 & 67.2510

These sections allow cities, towns, and villages within Clay County, Franklin County, Boone County, Jasper County or Jackson County, to form a Theater, Cultural Arts, and Entertainment District. Such counties and St. Charles County may also form such a district. Counties, cities, towns, and villages that adopt transect-based zoning may also form such districts. Currently, only municipalities in St. Charles are allowed to form such a district.

These sections require a Theater, Cultural Arts, and Entertainment District to be a minimum of 25 contiguous acres in size, rather than 50 acres. This act requires the governing body of the city or county in which a district is proposed to pass a resolution describing the district when a petition for its creation is filed. It specifies that a district may be created to fund and provide infrastructure.

These sections are similar to SS/SCS/HB 69 (2007), SCS/HCS/HB 795 (2007), HCS/HB 919 (2007), SS/HB 205, & CCS/HCS/HB 81 (2007).

Section 70.220

Under this section, any municipality or political subdivision may contract with one or more adjacent

SPONSOR: Griesheimer

HANDLER: Schneider

municipalities or political subdivisions to share the tax revenues of such cooperating entities that are generated from real property and improvements constructed thereon located within the boundaries of either or both municipalities or political subdivisions and within 3,000 feet of a common border. The purpose of the contract must be within the scope of the powers of the municipalities or political subdivisions.

If any contract or cooperative action entered into under this section is between a municipality or political subdivision and an elective or appointive official of another municipality or political subdivision, the contract must be approved by the governing body in which the official resides.

This section is identical to a provision of SS/SCS/HB 69 (2007).

Section 70.226

This section allows employees of a local public health agency located in counties of the third classification and created by a joint municipal agreement to be eligible for participation in the Missouri Local Government Employees' Retirement System (LAGERS).

This section is identical to HB 1280 (2007).

Sections 70.515 & 70.545

Currently, there is a Kansas and Missouri Regional Investment District Compact. Under this section, if the state of Kansas has not enacted the compact by August 28, 2007, the district shall still be created and shall be entitled the "Missouri Regional Investment District".

This section adds Buchanan County to the list of political subdivisions which are considered regional investment districts. The act also provides the areas of Kansas which will be included in the district if Kansas adopts the compact.

All members of the commission governing the Regional Investment District shall be from a jurisdiction in a state that has adopted the compact.

Currently, counties in the district may, upon voter approval, submit a sales tax not to exceed one-half of one percent to support a regional program for a public transit system. This act removes a provision stating that such a sales tax shall not be levied by any county unless a majority of the qualified electors of at least Johnson and Wyandotte Counties in Kansas and Jackson County in Missouri approve the such a levy.

This section is identical to HB 1009 (2007), SB 671 (2007) & SS/SCS/HB 69 (2007).

Section 71.011

This section adds county assessors to the list of county officials who must receive certified copies of the ordinances effecting a concurrent detachment and annexation of property between municipalities.

This section is identical to HB 459 (2007) & certain provisions of CCS/HCS/SB 30 (2007).

Section 71.012

This section requires county assessors to receive certified copies of annexation ordinances passed by cities, towns, and villages within such county.

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HANDLER: Schneider

This section is identical to HB 459 (2007) & certain provisions of CCS/HCS/SB 30 (2007).

Section 72.080

Any unincorporated village with at least 100 inhabitants or other area may become a village when certain requirements are met, such as there being a sufficient number of the registered voters who signed the petition and the question being submitted to the voters. Currently, only unincorporated cities, towns, and other areas may become incorporated under this section. The term "village" is defined for the purposes of this section.

A city, town, or village shall have perpetual succession and have certain powers, such as the ability to sue or be sued and lease or sell property.

This section is identical to a provision of SS/SCS/HB 69 (2007).

Section 77.020

No election or voter consent shall be required for voluntary annexations or transfers of jurisdiction by third class cities under Chapter 71, RSMo.

This section is similar to a provision of HCS/HB 919 (2007).

Section 78.610

This section removes the requirement that city managers of third class cities must be a city resident, except in counties with a charter form of government. Under this section, the city council shall have the discretion to require the city manager to reside within the city as a condition of employment except in charter counties.

This section is similar to SCS/SB 360 (2007).

Section 79.050

Currently, the term of office for a mayor of a fourth-class city is two years, unless the board of aldermen pass an ordinance to lengthen the term to four years. This allows the board of aldermen, after voter approval, to lengthen the term to two, three, or four years.

Section 79.495

Upon application of a person owning five or more acres in a fourth class city with less than 100 people, the governing body may diminish the city limits by excluding the land without an election if the application is accompanied by a majority of the registered voters of the city, or if no registered voters exist, by parties owning a majority of the land.

Section 87.006

This section provides that any condition of cancer which affects certain bodily systems, as well as any condition of cancer which may result from exposure to heat or radiation or to a known or suspected carcinogen, as determined by the International Agency for Research on Cancer, which results in the total or partial disability or death to a uniformed member of a paid fire department who successfully passes a physical exam within 5 years prior to the time a claim is made, shall be presumed to be suffered in the line of duty for the purposes of computing retirement benefits for firefighters unless the contrary can be shown by competent evidence and it can be proven to a reasonable degree of medical certainty that the

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HANDLER: Schneider

condition did not result nor was contributed to by the voluntary use of tobacco.

This section is similar to HB 375 (2007), SB 517 (2007), SS/SCS/HB 69 (2007), CCS#2/HCS#2/SB 406 (2007), & SCS/HB 875 (2007).

Sections 89.010 & 89.400

These sections state that if there is a conflict between the zoning or subdivision ordinances of a municipality that are based upon transect-based zoning and the provisions of any ordinance of another political subdivision with respect to street configuration, the municipality's transect-based zoning ordinances shall prevail over conflicting or more restrictive zoning provisions.

These sections are similar to SS/SCS/HB 69 (2007), SCS/HCS/HB 795 (2007), HCS/HB 919 (2007), SS/HB 205, & CCS/HCS/HB 81 (2007).

Section 92.500

This section authorizes the City of St. Louis to impose, upon voter approval, a sales tax of up to 0.5% for the operation of public safety departments as well as for compensation, pension programs, and health care for public safety employees and pensioners. This section contains ballot language and provisions for collecting such tax. It also allows for the repeal of such tax upon voter approval.

This section is similar to SB 1212 (2006), SB 624 (2007), SCS/HCS/HB 795 (2007), SS/SCS/HB 69 (2007), & HB 603 (2007).

Section 94.660

This section provides that the "coupling provision of section 94.660" (requires both the city and county to approve a transportation sales tax before a transportation sales tax can go into effect in either jurisdiction) shall not apply to any transportation sales tax approved by the voters in such city or such county on or after August 28, 2007.

This section is identical to SB 605 (2007), SS/SCS/HB 69 (2007), HCS/SCS/SB 497 (2007), & HB 1113 (2007).

Section 94.875

This section changes the distribution of the revenue received from tourism transient guest taxes for cities with a population of 7,500 instead of 1,500, so forty percent of such taxes collected may be transferred to such city's general revenue fund and the remaining thirty-five percent may be used for city capital improvements, pursuant to voter approval.

This act also repeals Section 94.875 that contained in truly agreed to and finally passed SS/HB 205 (2007).

Section 94.950

This section authorizes the City of Joplin to impose, upon voter approval, a retail sales tax of up to 0.5% to be used for nonprofit museums and nonprofit organizations that develop, promote, or operate historical locations. This section contains ballot language and a procedure to repeal the tax.

Section 99.847

Under this section, no new TIF project shall be authorized in an area located in St. Charles County

SPONSOR: Griesheimer

HANDLER: Schneider

and which is also designated flood plain, unless the redevelopment area actually abuts a river or a major waterway and is substantially surrounded by contiguous properties with residential, industrial, or commercial zoning classifications.

This section is similar to a provision of SCS/SB 20 (2007).

Sections 100.050 & 100.059

These sections specify that for industrial development project plans approved after May 15, 2005, in Boone County, reimbursements in excess of the actual costs must be disbursed to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity, not just the entities in current law. Notice of such projects in the county shall be provided to all the taxing entities.

These sections are similar to HCS/HB 1711 (2006), SS/SCS/HB 69 (2007), HCS/HB 919 (2007), HB 251 (2007), & CCS/SB 233 (2007).

Section 108.170

This section authorizes certain public entities to enter into agreements to modify the payment terms for bonds in certain situations based on changes in interest rates and the purchase price of fuel, electricity, natural gas, and other commodities.

This section is identical to HCS/HB 1011 (2007).

Section 137.115

This section allows the City of Gladstone to levy separate and differing tax rates for real and personal property as long as the city bills and collects its own assessment. The separate and differing rates cannot exceed the city's tax rate ceiling.

This section is similar to HB 270 (2007).

Section 139.055

This section allows public water supply districts to accept payment by credit card or electronic transfers of funds and charge a fee for such service.

This section is similar to a provision of SS/SCS/HB 69 (2007).

Section 141.150 & 141.640

These sections increase the tax imposed upon delinquent and back tax statements for the collection of such taxes for Jackson County from two percent to three percent.

These sections are similar to provisions of SS/SCS/HB 69 (2007), SS/SCS/HB 125 (2007), & HCS/SCS/SB 497 (2007).

Sections 144.030 & 144.062

These sections makes purchases by the Jackson County Sports Complex Authority tax exempt.

Section 144.030, RSMo, also exempts trailers used by common carriers from certain local sales taxes regardless of whether it is used in interstate commerce.

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HANDLER: Schneider

Section 144.062, RSMo, makes purchases after June 30, 2007 by MoDOT or the state highways and transportation commission tax exempt for construction, repair, or remodeling.

These sections are similar to CCS/HCS/HB 30 (2007), HB 248 (2007), SB 610 (2007), HCS/HB 768 (2007), HCS/SCS/SB 52 (2007), SB 199 (2007), HCS/SCS/SB 104 (2007), HCS/SS/SCS/SBs 239, 24, & 445 (2007) & SS/SCS/HB 69 (2007).

Section 162.431

This section provides that questions of changes to the boundaries of school districts shall be submitted at the next election, rather than the general municipal election.

This section is similar to certain provisions of SCS/HB 489 (2007) & SS/HB 265 (2007).

Sections 163.011 & 163.038

These sections grant school districts, located at least partially within a county, an additional payment equal to the decrease, if any, in the amount the district receives from fines in the current year from revenue the district received in fiscal year 2005.

These sections are identical to SCS/SB 456 (2007).

Section 163.016

For any school district located in more than one county and whose headquarters are located within Monroe City and located in more than one county, the county signified in the school district number shall be the county in the district with the highest dollar value modifier.

This section is similar to a provision of SS/SCS/HB 69 (2007), HB 109 (2007), HCS/HB 1089 (2007), CCS/HCS/SB 30 (2007).

Section 182.015

This section authorizes a procedure by which the existing boundaries of a county library subdistrict may be expanded and the existing subdistrict tax rate shall be imposed, upon voter approval, in the expanded area.

This section is similar to HB 93 (2007) & HCS/HB 919 (2007).

Section 190.052

This section changes the term of office for a person who is appointed to fill a vacancy on an ambulance district board from until the next annual election of board members to the remainder of the unexpired term of the replaced board member.

This section is similar to HB 937 (2007) & a provision of HCS/HB 919 (2007).

Section 190.053

This section requires members of ambulance district boards first elected after January 1, 2008, to complete educational training. The training shall be offered by a statewide association organized for the benefit of ambulance districts or approved by the State Advisory Council on Emergency Medical Services. The content of the training must include the duties of the ambulance district director, all

SPONSOR: Griesheimer

HANDLER: Schneider

ambulance district statutes and regulations, ethics and sunshine laws, financial and fiduciary responsibilities, and laws relating to the setting of tax rates and revenue limitations. If a board member does not receive the required training within one year of taking office, the board member shall not receive an attendance fee until the training is completed.

This section is similar to certain provisions of SS/SCS/HB 69 (2007), HCS/HB 919 (2007), HB 162 (2007).

Section 190.305

This section requires the Jasper County emergency services board to provide such services to a city located in more than one county only after making an agreement or contracting with the municipality, provided any agreement or contract in effect on January 1, 2006, shall continue until such time as a successor agreement or contract is entered into by the board and city and such agreement or contract is to provide services for a period of three or more years.

This section is identical to a provision of SS/SCS/HB 69 (2007).

Sections 204.600, 204.602, 204.604, 204.606, 204.608, 204.610, 204.612, 204.614, 204.616, 204.618, 204.620, 204.622, 204.624, 204.626, 204.628, 204.630, 204.632, 204.634, 204.636, 204.638, 204.640, 204.650, 204.652, 204.654, 204.656, 204.658, 204.660, 204.662, 204.664, 204.666, 204.668, 204.670, 204.672, 204.674 -

These sections Establish notice and procedural requirements for the formation of a new reorganized common sewer district and the conversion of an existing common sewer district into a reorganized common sewer district. Once established, a reorganized common sewer district will have all the powers and authority of a common sewer district established pursuant to Chapter 204 or Chapter 249, RSMo.

For new districts, incorporation must be approved by two-thirds of the voters in the district unless the petitioners seeking formation specify that the organization is without the authority to issue general obligation bonds. In that case, incorporation must only be approved by a simple majority of the voters in the district. Property owners with land contiguous or reasonably close to a reorganized district may petition the board to become part of the reorganized district.

To convert an existing common sewer district into a reorganized common sewer district, a petition must first be filed with the governing body of the district for a determination that the reorganization is in the best interest of the district. The bonded indebtedness and security interests of creditors of any common sewer district which converts to a reorganized common sewer district cannot be affected by the conversion. Reorganized sewer districts cannot levy taxes or issue general obligation bonds unless authorized by voters. Reorganized sewer districts may also establish sanitary sewer improvement areas and impose assessments and user fees on the property benefitted by the improvement project

These sections are similar to HB 1122 (2007) & SS/SCS/SB 21 (2007).

Section 205.563

This section authorizes the governing body of Kingsville to impose, upon voter approval, an annual real property tax, not to exceed thirty-five cents per year on each one hundred dollars assessed valuation, to fund the construction, operation and maintenance of a community health center.

This section is similar to SCS/SB 365 (2007).

SPONSOR: Griesheimer

HANDLER: Schneider

Section 206.090

Currently, each voter votes for six directors of the hospital district, divided among six election districts, with one from each election district. Under this section, in Iron County each voter would vote for one director from the hospital election district in which the voter resides.

This section is identical to SB 298 (2007) & HB 895 (2007).

Section 221.040

This section provides that sheriffs and jailers are not required to take custody of a prisoner from an arresting officer until that prisoner has been examined by a physician or medical personnel if he or she appears to be unconscious, suffering from a serious illness or injury, or is seriously impaired by drugs or alcohol. The prisoner will be responsible for the cost of the examination.

This section is similar to a provision of HCS/SS/SCS/SB 429 (2007), HCS/HB 406 (2007), HB 770 (2007), & SB 427 (2007).

Section 226.527

When a legally erected billboard exists on a parcel of property, a local zoning authority shall not adopt or enforce any ordinance, order, rule, regulation, or practice that eliminates the ability of a property owner to build or develop property or erect an on-premise sign solely because a legally erected billboard exists on the property.

This section is similar to SS#2/SCS/SB 129 (2007), SS/HB 744 (2007), HCS/SCS/SB 45 (2007), HCS/SCS/SB 52 (2007), HCS/SB 130 (2007) & SB 231 (2007).

Section 228.110

This section allows certain charter county residents to petition for vacating certain roads.

This section is similar to HB 1188 (2007).

Section 228.190

In litigation where the subject of a public road is at issue, an exact location of the road is not required to be proven. Once public road is determined to exist, judge may order a survey to be conducted to determine exact location of the public road and charge the costs of the survey to party who asserted public road exists.

Section 235.210

Currently, two-thirds of the property owners within a proposed area must submit a petition to a street light maintenance district board asking to be annexed to the district. The secretary of the board shall publish notice of the proposed annexation and the board shall hold a hearing in order to hear the petition and any written objections. If the petition is granted, the board shall make an order to such effect.

Under this section, a petition for annexation shall be signed by property owners who own not less than 10% of the parcels of property within the area proposed for annexation. The petition shall be filed with the county clerk in which the district is situated and shall be addressed to the county commission. A hearing shall be held regarding the proposed annexation petition as soon as reasonably possible. If the county commission finds at the hearing that the petition is in compliance with the provisions of this

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HANDLER: Schneider

section, they shall order the question to be submitted to the voters within the proposed area of annexation and within the district.

If a majority of the votes cast on the question in the district and in the area described in the petition, respectively, are in favor of the annexation, the county commission shall by order declare the area annexed and shall describe the altered boundaries of the district. A copy of the order of the commission shall be filed within the county recorder. If a majority of the votes cast on the question in the district and in the area described in the petition, respectively, are not in favor of the annexation, such area shall not be declared annexed. No such question shall be resubmitted to the voters sooner than 12 months from the date of submission of the last question.

This section is identical to SB 264 (2007).

Sections 238.202, 238.207, 238.208, 238.220, 238.225, & 238.275

These sections modify several provisions of law relating to transportation development districts. These sections modify the definition of "qualified electors" to mean residents within a proposed district registered to vote and property owners who shall receive one vote per acre. The definition provides that any registered voter who is also a property owner must choose to vote as an owner or a registered voter. These sections make a technical change to what a transportation development petition must contain. The law currently provides that the petition must contain a proposal for funding a district, with a request that the funding proposal be submitted to the qualified voters residing in the proposed district. These sections require the TDD petition to set forth the estimated project costs and the anticipated revenues to be collected from the project. These sections remove the word "residing" since that term is inconsistent with the portion of the TDD law that allows districts to be formed where there are no residents in the proposed district. These sections provide for the deannexation of property from a transportation development district but only with the unanimous consent of the property owners and the removal of such property will not materially affect the obligations of the district. These sections modify the process for submitting TDD plans to the state highways and transportation commission. The act provides for preliminary approval of a project by the commission. After such preliminary approval, the district may impose taxes and assessments. These sections provide for the speedier transfer of a TDD project to the commission or local transportation authority provided the recipient consents. For the purposes of determining board members of TDDs, owners of real property within the district and their legally authorized representatives shall be deemed residents. For business organizations and other entities owning property within the district, individuals legally authorized to represent business organizations shall be deemed residents.

These sections are similar to SCS/SB 311 (2007), SS/SCS/HB 69 (2007), SS/HB 744 (2007), HB 764 (2007), HCS/SS/SCS/SBs 239, 24, & 445 (2007).

Section 238.230

This section authorizes a TDD to establish different classes or subclasses of real property within a district for purposes of levying differing rates of special assessments, depending upon the level of benefit derived by each class or subclass from projects funded by the district.

This section is similar to SCS/SB 311 (2007), SS/SCS/HB 69 (2007), SS/HB 744 (2007), HB 764 (2007), HCS/SS/SCS/SBs 239, 24, & 445 (2007).

Section 246.005

This section allows levee districts to have ten years after the lapse of the corporate charter in which to

SPONSOR: Griesheimer

HANDLER: Schneider

reinstate and extend the time of the corporate existence.

This section is identical to SB 559 (2007).

Section 247.060

This section modifies the length of term for directors of public water supply districts elected in 2008, 2009, and 2010, due to a change in the date of their election from June to April in statute.

This section is identical to SB 419 (2007) & certain provisions of SCS/HCS/HB 795 (2007).

Sections 260.830 & 260.831

These sections authorize Jasper County, upon voter approval, to impose a landfill fee. For any landfill in any county where a landfill fee has been approved, any contract providing for collections, transportation, and disposal of waste at a fixed fee which is in force on August 28, 2007 shall be renegotiated. Currently, this provision applied to any contracts in existence as of August 28, 2003.

Section 302.010

This section adds a definition of "residence address" for purposes of chapter 302, regulating drivers' and commercial drivers' licenses.

This section is similar to provisions of SS/HB 744 (2007), HCS/SS/SCS/SBs 239, 24, & 445 (2007), HCS/SCS/SB 52 (2007), HCS/SCS/SB 104 (2007) .

Section 320.097

Upon approval of the board of aldermen, no fire department employee shall be required to reside within a fixed area of the department if the only public school district available to the employee is or has been unaccredited or provisionally accredited in the last five years of the employee's employment. No employee of a fire department who has not resided in such fire department's fixed and legal boundaries, or who has changed such employee's residency, shall be required to reside within the boundaries if the school district subsequently becomes fully accredited.

This section shall be in effect unless the voters of St. Louis vote to supersede this section by September 1, 2008. In addition, any employee who resides outside the city will forfeit one percent of his or her salary for the time the employee is not living in the city to offset any lost revenue for the city.

Sections 320.106 & 320.146

This section reduces the distance from any fuel dispenser that fireworks can be manufactured, stored, or sold from 100 feet to 50 feet.

These sections are similar to HB 303 (2007) & HCS/HB 919 (2007).

Sections 320.200, 320.271, 320.300 & 320.310

These sections define a "fire department" as an agency or organization that provides fire suppression activities. The term fire department shall include any fire protection district or voluntary fire protection association, or other agency engaging in this type of activity.

Under these sections, all fire protection districts, volunteer fire protection associations, and fire department must complete and file a fire department registration form with the State Fire Marshal with 60

SPONSOR: Griesheimer

HANDLER: Schneider

days after January 1, 2008 and annually thereafter. The state Fire Marshal may issue an identification number to each registered entity and conduct periodic reviews of the information provided on the registration forms.

These sections require volunteer fire protection associations to identify their boundaries and file them with the county, rather than allowing them to do so. Any volunteer fire protection association is prohibited from encroaching upon or including any portion of another fire department's legally established boundaries.

Except for state agencies, fire protection districts, municipal fire departments, and volunteer fire protection associations shall be the sole providers of services within their defined boundaries. Other associations may provide services upon approval by the appropriate governing body and may appeal the decision when denied approval in circuit court.

These sections are similar to HCS/SCS/SB 968, SB 194, HCS/HB 300, SS/SCS/HB 69 (2007), and HCS/SCS/SB 47 (2007).

Section 321.130

This section provides that fire protection district board members must reside in the district. If a board member is no longer a resident of the district, his or her seat is deemed vacant and must be filled according to statutory procedures.

This section is similar to HB 416 (2007) & HCS/HB 919 (2007).

Section 321.162

This section requires members of fire protection district (FPD) boards first elected after January 1, 2008, to complete educational training. The content of the training will be determined by the State Fire Marshal but must include the duties of the FPD director, all FPD statutes and regulations, ethics and sunshine laws, financial and fiduciary responsibilities, and laws relating to the setting of tax rates and revenue limitations. If a board member does not receive the required training within one year of taking office, the board member shall not receive an attendance fee until the training is completed.

This section is similar to HB 162 (2007) & certain provisions of HCS/HB 919 (2007).

Section 321.688

This section establishes a consolidation process for fire protection districts located wholly in any county of the first classification upon approval by the voters of a joint resolution within the fire protection districts. The board of directors of a consolidated fire protection district shall have six members and consist of the existing board members until a vacancy occurs and the number of members may be reduced to five. The consolidated district shall levy the same taxes as levied in the district with the lowest tax levy before consolidation unless a tax levy is specifically set forth in the ballot language approved by the voters of the consolidating districts, except that the tax levy cannot exceed the highest tax levy of the consolidating districts.

This section is similar to SB 393 (2007) & a certain provision of SS/SCS/HB 69 (2007).

Section 392.410

This section removes the expiration date of August 28, 2007, on the provision restricting political

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HANDLER: Schneider

subdivisions from providing certain telecommunication services and facilities.

This section is similar to HB 801 (2007) & a certain provision of SS/SCS/HB 69 (2007).

Sections 393.705 & 393.710

These sections provide that joint municipal utility commissions can enter into joint contracts to form other joint municipal utility commissions.

This section is similar to a provision of SS/SCS/HB 69 (2007).

Sections 393.715, 393.720 & 393.740

These sections specify that a joint municipal utility commission's statutory power to fix, maintain and revise fees, rates, rents, and charges for functions, services, facilities, or commodities provided by the commission shall constitute the power to tax under the Missouri Constitution.

These sections are identical to SB 519 (2007) & certain provisions of SS/SCS/HB 69 (2007).

Sections 393.825 & 393.900

These sections requires any nonprofit sewer company or nonprofit water company to provide a copy of the company's articles of incorporation and bylaws to the Department of Natural Resources to ensure statutory compliance. The Department shall review the documents and provide authorization if all requirements are met. If all requirements are not met, the Department shall inform the company of all deficiencies and assist in curing the deficiencies. Such companies shall provide a copy of all subsequent modifications to ensure continued compliance. If all statutory requirements are not met, the Department shall provide a thirty-day period to cure the deficiencies. If the deficiencies are not cured, the Department may suspend or revoke the nonprofit sewer or water company's authority to provide service until the deficiencies are cured.

Section 393.829

This section authorizes a non-profit sewer company to provide the same services as provided by a non-profit water company in areas not within the boundaries of a public water supply district or within the certificated area of a water corporation.

This section is similar to provisions of SS/SCS/SB 21 (2007), SB 245 (2007)& a provision of SS/SCS/HB 69 (2007).

Sections 393.847

This section prohibits any nonprofit sewer company or nonprofit water company from being eligible to obtain a construction or operating permit unless a waiver from all affected political subdivisions is obtained for a site where a municipality, county, public sewer district, or public water supply district operates a wastewater treatment system or a connection to a wastewater treatment system is required by a municipal or county ordinance.

Section 393.933

This section prohibits any nonprofit water company from being eligible to obtain a construction permit or a permit to dispense unless a waiver from all affected political subdivisions is obtained for a site where a municipality, county, or public water supply district operates a water system or a connect to a water system is required by ordinance.

SPONSOR: Griesheimer

HANDLER: Schneider

Section 409.107

Currently, investment firms, law firms offering bond counsel services, or persons having interest in such firms are barred from being involved in the issuance of bonds authorized by an election in which the firm or person made any contribution in support of the bond election.

This act narrows the restriction to include only direct or indirect financial contributions. Such contributions do not include:

- Providing factual information relating to the bond issuance.
- Responding to questions and making presentations at public forums relating to the bond issuance
- Participating in any meeting subject to the open meetings law.

This section is similar to HCS/HB 784 (2007), SCS/SB 150 (2007), SS/SCS/HB 69 (2007) & HCS/HB 919 (2007).

Section 432.070

This section removes the provision in existing law that requires the City of St. Charles to provide written notice 2 years in advance of the City's intent to discontinue sanitary sewer service to homes connected to such service after January 1, 2003.

This section is similar to SS/SCS/SB 21 (2007) & provisions of SS/SCS/HB 69 (2007).

Section 451.040

This section repeals the three-day waiting period to receive a marriage license from the recorder of deeds.

This section is similar to certain provisions of SS/SCS/HB 69 (2007) & HB 1200 (2007).

Section 479.010 & 479.011

These sections allow Kansas City to establish, by order or ordinance, an administrative adjudication system for adjudicating parking and other civil, nonmoving municipal code violations. Currently, the City of St. Louis may establish such a system.

These sections are similar to HCS/SB 237 (2007) & certain provisions of SCS/HCS/HB 795 (2007).

Sections 644.597, 644.598 & 644.599

These sections authorize the Board of Fund Commissioners, in addition to the amounts authorized prior to August 28, 2007, to issue an additional \$10 million in bonds for water pollution control, improvement of drinking water systems, and storm water control projects; an additional \$10 million in bonds for rural water and sewer grants and loans; and an additional \$20 million in bonds for grants and loans for storm water control in counties of the first classification and St. Louis City.

These sections are similar to HB 161 (2007), SB 391 (2007) & provisions of SS/SCS/HB 69 (2007).

Section 650.340

This section revises the continuing educational training requirements of 911 telecommunicators from 16 hours in a two-year period to 24 hours every three years. The reporting period shall run concurrent with the existing continuing education reporting periods for Missouri peace officers.

SPONSOR: Griesheimer

HANDLER: Schneider

This section is identical to HB 634 (2007), SB 574 (2007) HCS/HB 406 (2007), & CCS/HCS/SS/SCS/SB 429 (2007).

Section 1

This section requires the cities of Rogersville and Springfield to abide by the terms of the November 15, 2005, settlement agreement between the cities relating to the involuntary annexation of certain real property located between the two cities.

This section is similar to HB 199 (2007).

Section 2

Beginning January 1, 2008, all trucks with a registered gross weight of 24,000 pounds or more shall be prohibited from driving in the far left lane within 3 miles of the intersection of I-70 and Missouri Route 370 except in emergency situations or during road construction or repair. The Department of Transportation will provide and install informational and directional signs where appropriate. Violations of this prohibition range from an infraction to a class A misdemeanor.

Section 3

The Governor is authorized to convey state property in Jackson County to the City of Kansas City.

This section is identical to SB 469 (2007).

Section 4

In each transportation development district in which a sales tax has been imposed or increased under certain provisions, every retailer shall prominently display the rate of the sales tax imposed or increased at the cash register area.

Section 5

This section allows fire protection districts in Douglas County to impose a sales tax of up to 1%.

SUSAN HENDERSON MOORE

SPONSOR: Champion

HANDLER: Franz

CCS/HCS/SB 25 - This act modifies provisions relating to children's services administered by the Department of Social Services.

CHILD ABUSE AND NEGLECT INVESTIGATIONS

This act prohibits the Missouri Children's Division from closing a child abuse or neglect investigation if a child subject to the investigation dies during the course of the investigation, until such time as any separate investigation by the Division regarding the death is completed. (Section 210.145)

FOSTER PARENTS' BILL OF RIGHTS

This act modifies several provisions regarding the rights of foster parents, and states that the children's division and its contractors shall provide foster parents with written notification of the rights enumerated in this act at the time of initial licensure or renewal of licensure.

The act provides that the division and its contractors shall provide foster parents with regularly scheduled opportunities for preservice training and pertinent inservice training, as determined by the Missouri State Foster Care and Youth Advisory Board. The division and its contractors shall provide to foster and potential adoptive parents, prior to placement of children, a full disclosure of all medical, psychological, and psychiatric conditions of the child, information from previous placements that would indicate a propensity of the child to engage in violent or destructive behavior, information related to the child or child's family including history of mental or physical illness, sexual abuse or perpetration, criminal background, fire-setting or other destructive behavior, substance abuse, or any other information that is pertinent to the care and needs of the child and protection of the foster or adoptive family. Knowingly providing false or misleading information in order to secure placement for a child shall be denoted in the caseworker's file and shall be kept on record by the division. Foster parents shall be informed in a timely manner of all team meetings related to licensure status or children placed in their home. Foster parents shall follow all division and contractor procedures related to requesting and using respite care.

The act also provides that foster parents may share otherwise confidential information about children in their care with school personnel in order to secure safe and appropriate education for such children, and may share such information as is necessary for medical or psychiatric care of the child. Foster parents also must share any concerns that arise in the care of any child in their home with members of the child welfare team. Foster parents are also required to be flexible and cooperative with regard to family visits.

The act states that the division and its contractors shall provide foster parents with training that specifically addresses cultural needs of foster children, including but not limited to skin and hair care, and religious or cultural practices of the child's biological family, and shall provide referrals to community resources for ongoing education and support. Foster parents shall use discipline methods which are consistent with division policy.

The act also provides that foster parents shall give two weeks notice when requesting removal of a child in their home, except in emergency situations. Also, if a child reenters the foster care system and cannot be placed in a relative home, such child's former foster parents shall be given first consideration for placement of the child. If a foster child becomes free for adoption, foster parents shall inform the caseworker within 60 days of any inquiry as to whether they desire to pursue adoption, and if they choose not to do so, foster parents shall support the child's placement in a permanent home by providing information on the history and care needs of the child, as well as accommodating transitional visitation.

SPONSOR: Champion

HANDLER: Franz

The act provides that foster parents shall be informed by the court no later than two weeks prior of all court hearings pertaining to a child in their care.

The act also provides that the division and its contractors shall provide access to an impartial grievance procedure to address issues relating to foster parent licensure, case management decisions, and service issues. (Section 210.566)

These provisions are substantially similar to SB 697 (2007).

CHILD SUPPORT ENFORCEMENT

This act modifies various provisions relating to child support enforcement. Under current law, the Child Support Enforcement Division may certify a person who owes a child support arrearage in excess of 5,000 dollars to the appropriate federal agency for denial, suspension or limitation of a passport to such person. This act lowers the arrearage threshold for passport denial certification from \$5,000 to \$2,500. This act also allows the division to open a corresponding child support case based on another state's request for assistance.

Definitions for "parent," "dependent child," "obligee," "obligor," and "public assistance" are modified. Among such modifications are adding putative father and legal father into the definition of "parent" and adding the state into the definition of "obligee."

This act also allows the Child Support Enforcement Division to collect past due support owed to the state when a caretaker relative was on assistance or the child was in the custody of the state. The division is also allowed to establish an administrative order against any parent who does not already have an order against them. Under current law, the division can only establish an order if there is no order of support for the child. The division is also allowed to vacate an order which was improperly entered without jurisdiction or due process. Under current law, a court order is needed in order to avoid these orders. This act also specifies that an administrative modification can be made and must be approved by the court to become an enforceable order. If the order is not approved, the matter is then set for trial de novo.

This act also authorizes the Missouri Gaming Commission to direct gambling boats to intercept and pay over gambling winnings to individuals who owe past-due support or state debt, if winnings meet criteria for reporting to the Internal Revenue Service. (Section 454.390, 454.455, 454.460, 454.470, 454.496, 454.511, 511.350)

These provisions are substantially similar to SB 603 (2007) and HB 936 (2007).

CHILD SUPPORT MODIFICATION

This act allows a parent to stop paying child support when his or her child reaches 21 years of age or is at least 18 years of age and receives two failing grades in half or more of his or her courseload in any one semester when enrolled in at least 12 credit hours of higher education. (Section 210.340)

These provisions are substantially similar to HB 493 (2007).

ADRIANE CROUSE

SPONSOR: Nodler

HANDLER: Stevenson

CCS/HCS/SB 30 - This act modifies provisions of law regarding taxation. The act:

(1) Establishes the Children's Services Protection Act which prohibits any sales tax revenue, levied to provide services for children in need, from being diverted to any tax increment finance project or plan;

(2) Authorizes Perry County to levy, upon voter approval, a sales tax of up to one fourth of one percent to equally fund senior services and youth programs. The revenue received for senior services will be administered by a senior services tax commission (Section 67.997);

(3) Allows the governing body of any second, third, or fourth class county to place before the voters of such county a ballot measure to impose a transient guest tax to fund tourism;

(4) Allows the City of Hollister to impose a transient guest tax of at least two percent, but not more than five percent per room per night;

(5) Adds county assessors to the list of county officials who must receive certified copies of ordinances effecting a concurrent detachment and annexation of property between municipalities (Sections 71.011 and 71.012);

(6) Authorizes the City of Independence to impose a sales tax for funding police services provided by the municipal police department;

(7) Increases the maximum upper limit and minimum base amounts for the circuit breaker tax credit program;

(8) Requires operators of storage facilities, beginning January 1, 2008, to provide documentation including the owner's name, address, county of residence, and a description of the personal property to the county assessor where the rental or leasing facility is located for property tax purposes. The act defines "personal property" as any house trailer, manufactured home, boat, vessel, floating home, floating structure, airplane, or aircraft. Any storage facility that fails to provide the required documentation will be assessed a penalty and taxes for the personal property stored at its location (Section 137.092);

(9) Authorizes an exemption from the motor fuel tax for motor fuel sold for use by an interstate transportation authority, a city transit authority, or a city utilities board to operate a public mass transportation facility (Section 142.817);

(10) Removes the "solely in interstate commerce" requirement for the state and local sales and use tax exemption for motor vehicles used by common carriers and exempts personal property and utilities used in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals from state and local sales tax (Section 144.030);

(11) Authorizes an exemption from state and local sales and use tax for the cost of all utilities, chemicals, machinery, equipment, and materials used directly in television or radio broadcasting, and purchases made in fulfillment of obligations under a defense contract with the United States; and municipal sales and leases of tangible personal property under a chapter 100 redevelopment program, provided the tax exempt status of such transactions is certified by the department of economic development.(Section 144.054);

(12) Authorizes a state sales tax exemption for the cost of all utilities, chemicals, machinery, equipment, and materials used in the manufacturing, processing, compounding, mining, or production of a product; processing recovered materials; or research and development related to manufacturing. (Section 144.054);

(13) Authorizes an exemption from state and local sales tax, beginning September 1, 2007, for the cost of temporarily using coin-operated amusement devices and removes the exemption for the purchase of the devices and parts. Coin-operated amusement devices include video, pinball, table, and redemption games. Currently, amusement devices and parts for amusement devices are exempt from state and local sales tax, if sales tax is paid on the gross receipts derived from the use of the devices (Section 144.518);

(14) Requires a statement of no taxes due as a prerequisite to issuance of business licenses. (Section 144.083);

(15) Assigns school districts to metropolitan statistical areas for the purpose of determining the dollar

SPONSOR: Nodler

HANDLER: Stevenson

value modifier in the school foundation formula. When a school district contains territory from more than one county, the district is assigned to the county in which the district headquarters are located. The Monroe City R-II School District will be assigned to the county that will yield the highest dollar value modifier (Section 163.016);

(16) Authorizes townships to levy a tax on real property to fund community health districts (Section 205.563);

(17) Revises the definition of "community-based organizations", in the Family Development Account program, to include any nonprofit corporations formed under Chapter 355 RSMo. (Section 208.750);

(18) Authorizes reimbursement of election costs, relating to transit authority sales taxes, to certain counties (Section 238.410);

(19) Transfers, from the department of economic development to the Department of Public Safety, the duty of certifying when a dry fire hydrant system meets the requirements to obtain income tax credits (Section 320.093);

(20) Allows common carriers authorized to transport household goods to file applications with the Highways and Transportation Commission for approval of rates to reflect increases and decreases in the carrier's costs. The filing of the applications will be authorized upon the same terms and conditions as provided for rate adjustment requests by electrical, gas, or water companies (Section 387.075); and

(21) Repeals the exemption allowing intrastate household goods movers to operate wholly in municipalities, between contiguous municipalities, or commercial zones without obtaining operating authority from the Department of Transportation, beginning January 1, 2008 (Section 390.030).

JASON ZAMKUS

SPONSOR: Mayer

HANDLER: Grisamore

SCS/SB 46 - This act establishes the Faith-Based Organization Liaison Act. This act provides that the director of the department of social services shall designate regional department employees to serve as liaisons to faith-based organizations in their regions. The liaison's primary function will be to communicate with and promote faith-based organizations as a means of providing private community services to benefit persons in need of assistance who would otherwise require financial or other assistance under public programs administered by the department. The liaison shall also provide guidance to faith-based organizations of all rights and responsibilities afforded them under federal law, including federal equal treatment, charitable choice provisions, and the Establishment Clause of the United States Constitution. This act also provides that no liaison shall discriminate against any faith-based organizations in carrying out in the provisions of this act.

ADRIANE CROUSE

SPONSOR: Engler

HANDLER: Bruns

HCS/SCS/SB 47 - This act bars public and private employers from firing an employee for joining any fire department, as a volunteer, or for missing work for responding to an emergency as a volunteer firefighter. Employers may, however, deduct hours missed by the employee from the employee's regular compensation. Employees must make a reasonable effort to notify their employers before they miss work and the employer may request the employee to provide the employer with a written statement from the supervisor of the volunteer fire department stating that the employee responded to an emergency and the time and date of such emergency.

Any employee who is fired in violation of this act has a cause of action for a civil suit against the employer in violation of the act. The employee may seek reinstatement to the employee's previous position, reinstatement of fringe benefits, back wages, and reinstatement of seniority rights. If the employee prevails in the action the employee shall be entitled to reasonable attorney's fees and costs of the action. The employee must bring an action within one year of the violation.

The act defines a "fire department" as an agency or organization that provides fire suppression activities. The term fire department shall include any municipal fire department, voluntary fire protection association, or fire protection district including Missouri-1 disaster Medical assistance Team, Missouri Task Force One or Urban Search and Rescue Team engaging in this type of activity.

All fire protection districts, volunteer fire protection associations, and fire department must complete and file a fire department registration form with the State Fire Marshal with 60 days after January 1, 2008, and annually thereafter. The state fire marshal may issue an identification number to each registered entity and conduct periodic reviews of the information provided on the registration forms.

This act requires volunteer fire protection associations to identify their boundaries and file them with the county, rather than allowing them to do so. Any volunteer fire protection association is prohibited from encroaching upon or including any portion of another fire department's legally established boundaries.

The pertinent fire districts shall be the sole providers of services within their defined boundaries. Other associations may provide services upon approval by the appropriate governing body and may appeal the decision when denied approval to serve within another boundary.

The act stipulates that inspections for ambulance services that have been sold or changed ownership shall be limited to verification of compliance with standards for renewal of existing licenses.

This act is similar to CCS/HCS/SCS/SB 666 (2006) and HCS/HB 300 (2007).

CHRIS HOGERTY

SPONSOR: Koster

HCS/SCS/SB 54 - This act modifies laws pertaining to environmental regulation and renewable energy.

Sections 256.700-256.710

Any person who applies for a surface mining permit from the Land Reclamation Commission shall additionally submit an annual geologic resources fee. Certain small gravel mining operations are exempt. Beginning August 28, 2007, the fee shall be set at \$50 per permit, \$50 per site, and \$6 per acre. The fees may be raised by rule by the Department of Natural Resources, not to exceed \$100 per permit, \$100 per site, and \$10 per acre. The fees expire December 31, 2020.

Funds collected from the geologic resources fee shall be deposited in the Geologic Resources Fund, which is created in the act, for use by the Division of Geology and Land Survey in the Department of Natural Resources for purposes described.

The Industrial Minerals Advisory Council is created, composed of 9 members who shall represent limestone quarry operators, the clay mining industry, the sandstone industry, the sand and gravel mining industry, the barite mining industry, the granite mining industry, and the Director of the Department of Transportation. The Council shall advise the State Geologist and the Department of Natural Resources as described. Duties and terms of the members are listed.

Sections 260.200 and 260.250

This act allows yard waste to be disposed of in a municipal solid waste disposal area when the Department of Natural Resources approves the operation of the disposal area as a bioreactor and when the landfill gas produced will be used for electricity generation.

These sections are similar to HCS/HB 886 (2007) and SCS/SB 328 (2007).

Sections 260.211 - 260.240

Under current law, the crime of illegally disposing demolition waste in the first degree is a Class A misdemeanor, illegally disposing demolition waste in the second degree is a Class C misdemeanor, and a second or subsequent offense is a Class D felony. This act removes the first and second degrees of the crime and instead makes any instance of illegal disposition of demolition waste a Class D felony as well as subject to the same penalty as what was for a crime in the first degree, which is up to \$20,000.

Any person who knowingly disposes more than 2,000 pounds or 400 cubic feet of his own personal construction or demolition waste on his own property shall be guilty of a Class C misdemeanor. Any person who receives remuneration from another person to dispose of such waste on his own property shall be guilty of a Class D felony.

The act makes similar modifications to the crime of illegal disposition of solid waste where it removes the first and second degrees of the crime, and makes a single instance of illegally disposing solid waste a Class D felony subject to a fine of not more than \$20,000.

The act expands the authority of the Department of Natural Resources to seek injunctive relief and civil penalties against operators of solid waste sanitary landfills and operators of transfer stations who violate certain fee collection provisions.

The maximum civil penalty a court may assess is increased from \$1,000 to \$5,000 per day for violations concerning a solid waste disposal area or for violations of the landfill or transfer station fee

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collection provisions by a solid waste processing facility.

The act increases from \$100 to \$500 the per-day penalty a county may assess for violations of any county law developed under provisions of the state solid waste laws.

These sections are similar to HCS/HB 886 (2007).

Section 260.247

Current law prescribes requirements for cities that expand solid waste collection services into areas where such service is currently provided by a private entity. This act makes the same requirements applicable to political subdivisions.

This section is similar to HCS/HB 886.

Sections 260.330 to 260.335

These sections extend the period of time from October 1, 2009, to October 1, 2014, during which no annual adjustment shall be made to the per-ton fee required to be remitted to the Department of Natural Resources by operators of solid waste sanitary landfills and transfer stations except when needed to fund the operating costs of the Department. The act also extends for the same time period the provision that any adjustment made shall not exceed the percentage increase as measured by the Consumer Price Index for All Urban Consumers.

These sections are similar to HCS/HB 886 (2007).

Section 260.360

This section adds a definition for "plasma arc technology" and includes plasma arc technology as a treatment method for waste.

This section is similar to HCS/HB 886 (2007) and HB 185 (2007).

Sections 260.470 and 260.1000-260.1039

This act creates the Missouri Environmental Covenants Law, which allows environmental covenants to be created for real property that is or has been the subject of environmental remediation. The covenants are standardized voluntary agreements in which parties with an interest in the real property ensure that restrictions on site usage required by the remediation are maintained.

The act describes the information required in an environmental covenant, the powers and restrictions of an environmental covenant, and the process by which environmental covenants may be amended or terminated.

Environmental covenants must be recorded in the county in which the real property is located. The Department of Natural Resources is required to maintain a database of all environmental covenants in the state.

Certain aboveground and underground storage tanks are exempt from the provisions in the act.

These sections are similar to SB 388 (2007).

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Section 260.800

This section allows any facility designated as a waste to energy facility that generates electricity fueled from solid waste to use plasma arc technology.

This section is similar to HCS/HB 886 (2007) and HB 185 (2007).

Section 386.890

This act requires retail electric suppliers to make net metering available to customers who have their own electric generation units that meet certain criteria, one of which is that the unit is powered by renewable energy resources. Net metering is where the customer gets credit for the electricity he or she generates in lieu of electricity supplied by the electric utility. Net metering shall be made available to customers on a first-come, first-served basis until the total rated generating capacity of the net metering systems equals 5% of the utility's single-hour peak load during the previous year.

Customers involved in net metering shall not be assessed any additional fees or charges and shall receive the same electric rates as an equivalent non-net metering customer.

The act describes how the net energy measurement shall be calculated and applied to the electric service billing. Customer-owned electric generation units must meet certain safety, performance, interconnection and reliability standards.

The Public Service Commission shall promulgate rules for the administration of this act. The rules shall require electric suppliers to use contract documents and an application process that is simple and easy to understand and shall require electric suppliers to annually report to the Commission with regard to the act.

Retail electric suppliers shall not be liable for damages caused by a customer-generator's generating unit when no evidence exists of fault by the supplier. Suppliers may discontinue electric service to any person who is determined to be conducting net metering without the approval of the supplier.

A retail electric supplier may use the energy generated by its customer-generators to meet any required renewable energy targets and may recover any costs associated with net metering in its rate structure.

The Attorney General is given authority to regulate merchandising practices associated with the sale of electric generating units.

The act repeals the Consumer Clean Energy Act.

This section is similar to SS/SCS/SB 674 (2007).

Sections 393.1020 - 393.1040

The act creates the Green Power Initiative. Electric companies shall make good-faith efforts toward meeting the following renewable energy targets:

- 4% of total retail electric sales come from certain renewable energy technologies by 2012;
- 8% of total retail electric sales come from certain renewable energy technologies by 2015; and
- 11% of total retail electric sales come from certain renewable energy technologies by 2020.

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Electricity generation from renewable sources prior to August 28, 2007 may be counted toward the targets, provided they continue to be used.

The act directs the Public Service Commission (PSC) to develop standards for measuring electric companies' progress in meeting the targets. The standards must protect against adverse economic impacts on the companies and reliability of service, as well as consider environmental compliance costs and technical feasibility. The PSC shall also develop a weighted scale that gives more credit to renewable energy technologies the PSC determines to be in the public's best interest.

The act establishes reporting requirements until 2022. Electric companies are required to report every two years on their progress toward meeting the targets. The PSC is required to report every two years on the progress made by electric companies and give recommendations for legislative action. The director of the Department of Economic Development shall report every two years on the impact of this progress on the state economy and the director of the Department of Natural Resources shall report every two years on the environmental impact of this progress.

Section 414.420

The act renames the Missouri Ethanol and Other Renewable Fuel Sources Commission to the Missouri Alternative Fuels Commission and expands its membership from seven to nine members. The two additional members shall be appointed by the Governor, which brings the total number of Governor-appointed members to five. The Governor-appointed members shall be engaged in the production or sale of alternative fuels.

The act directs the Commission to: 1) make recommendations on legislation to facilitate the sale and distribution of alternative fuels and alternative fuel vehicles; 2) promote the production and use of alternative fuels; 3) promote the development and use of alternative fuel vehicles and other related technology; 4) educate consumers about alternative fuels; 5) develop a long-range plan to reduce petroleum fuel use; and 6) report annually to the Governor and General Assembly.

This section is similar to SCS/SB 156 (2007).

Section 444.772

This section raises the maximum allowable fees that may be set by the Land Reclamation Commission, where permit fees may not exceed \$1,000, site fees may not exceed \$400 per site, bonded acre fees may not exceed \$20 per acre, and the cumulative total of permit fees or renewal permit fees may not exceed \$3,000.

Under current law, the per-acre fee is reduced by half for any acres assessed over one hundred. This act raises the acre threshold to two hundred to qualify for the reduced fee.

As of August 28, 2007, the fees shall be set at \$800 for a permit, \$400 per site, and \$10 per bonded acre. The Land Reclamation Commission may raise the fees by rule, provided a change in regulation necessitates the increased fees.

The expiration date for the fees is extended until December 31, 2013.

This section is similar to HB 880 (2007) and SB 329 (2007).

SPONSOR: Koster

Section 643.079

Under current law, the Air Conservation Commission must establish the air pollution emission fees each year that are required to be paid by permitted air pollution sources. This act requires the Commission to set such fees every three years rather than annually but allows for annual adjustments to be made if needed.

This section is similar to HB 782 (2007) and SB 223 (2007).

Section 1

The Commissioner of the Office of Administration shall ensure that at least 70% of new state fleet vehicles are flexible fuel vehicles.

The provisions of the act become effective January 1, 2008.

ERIKA JAQUES

SPONSOR: Goodman

HANDLER: Ruestman

CCS/HCS/SCS/SBs 62 & 41 - This act modifies various laws relating to the criminal justice system.

SECTIONS 476.083 & 571.090

The permit requirement for the purchase of a concealable firearm is repealed.

SECTION 563.011

This section defines certain terms relating to the defense of justification, including "dwelling", "forcible felony", "remain after unlawfully entering", "residence", and "unlawfully enter."

SECTION 563.031

In addition to current restrictions on the use of force, a person is not justified in using force against another if such person was attempting to commit, committing, or escaping after committing a forcible felony.

In addition to other circumstances when deadly force may be used, a person may use deadly force against an individual who unlawfully enters, remains, or attempts to enter a dwelling, residence, or vehicle lawfully occupied by the person or to protect himself or herself against death, serious injury, or any forcible felony.

This section states that a person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not entering or remaining unlawfully.

SECTION 563.036

This section regarding the use of physical force in defense of premises is repealed.

SECTION 563.041

This section contains technical modifications.

SECTION 563.074

A person who uses justified force shall have an absolute defense to criminal prosecution or civil liability for the use of such force. The court shall award attorney's fees, court costs, and all reasonable expenses incurred by the defendant in defense of any civil action brought by the plaintiff if the court finds that the defendant has an absolute defense.

SECTION 571.030

This act makes an exception to certain provisions of the unlawful use of a weapon statute for federal flight deck officers and qualified retired peace officers.

SECTION 571.080

This act makes state restrictions on the transfer of concealable firearms identical to certain federal restrictions and removes the penalty.

SECTION 571.095

Currently, upon conviction of a felony in violation of the law perpetrated by the use of a firearm, the court may order the confiscation and disposal of such firearm. Under this act, the court may also order the sale or trade of such firearm to a licensed firearm dealer. The proceeds of such sale or trade shall be the property of the police or sheriff's department responsible for the defendant's arrest or the confiscation of the firearms and ammunition.

SPONSOR: Goodman

HANDLER: Ruestman

SECTION 571.111

For purposes of the concealed carry endorsement statute, the requirement of demonstrating knowledge of firearms safety training shall be satisfied with the submission of proof that the applicant currently holds a valid peace officer license, the applicant is currently allowed to carry a firearm as a probation and parole officer, or the applicant is certified as a corrections officer and has passed at least one eight-hour firearms training course.

SECTION 630.140

This section requires certain mental health records to be made available Highway Patrol for reporting to the National Instant Background Check System.

This act similar to HB 462 (2007), SB 457 (2007) & HCS/HB 189 (2007), HB 643 (2007), HB 180 (2007), HB 396 (2007), HB 615 (2007) & HB 1217 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Goodman

HANDLER: Wallace

CCS/HCS/SCS/SB 64 - This act modifies provisions regarding elementary and secondary education.

MINIMUM SCHOOL HOURS AND DAY - Section 160.041 - The Commissioner of Education is authorized to reduce the required number of hours and days if inclement weather, such as ice, snow, extreme cold, flooding, or a tornado, prevents students from attending the public school facility.

MENTORING FOR NEW TEACHERS AND PRINCIPALS - Section 161.375 - This act requires the department of elementary and secondary education to develop standards for high-quality mentoring for beginning teachers and principals no later than June 30, 2008. Such standards shall be based on principles set forth in the act, including the establishment of a teacher-driven mentoring program in every school district. The act provides examples of quality mentoring programs. The department shall seek input from representatives who are teachers, administrators and other individuals.

This provision is similar to SCS/SB 480 (2007) and SCS/HCS/HB 620 (2007).

VIRTUAL SCHOOL ATTENDANCE - 167.121 - For the school year beginning July 1, 2008, a parent residing in a lapsed, or poor performing school district may enroll their child in the Missouri virtual school if the child first enrolls in the school district of residence. The school district shall include the child's enrollment in the virtual school in determining the district's average daily attendance. The board of the home district shall pay to the virtual school the amount required under current law to be paid for other students enrolled in the virtual school. Nothing in this section shall require any school district or the state to provide computers or other materials necessary for the child to attend the virtual school.

This provision is similar to a provision in SS/HB 265 (2007).

SCHOOL OPENING DAY - Section 171.031 - This act authorizes each school district to set its opening date each year, provided that the date cannot be earlier than ten days prior to Labor Day.

A district may set an opening date that is more than ten calendar days prior to Labor Day provided that: the local board gives public notice of a public meeting to discuss the proposal of starting school on an earlier date, a public meeting is held, and a majority of the board votes to allow an earlier opening date at the public meeting. If the previous conditions are met, the district may set their opening date more than ten calendar days prior to Labor Day.

If any local district violates the provisions of this act, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated for each date the district was in violation of this act.

The act does not apply to school districts in which school is in session for twelve months of each calendar year. The state board of education may grant an exemption from the act for districts that demonstrate highly extenuating circumstances which justify exemption.

This provision is similar to SB 1114 (2006).

MAKE-UP DAYS - Sections 171.031 and 171.033 - The annual calendar for the school term, as prepared by the school board, is required to include six make-up days for possible loss of attendance due to inclement weather. A district shall be required to make up the first six days of school lost or canceled due to inclement weather and half the number of days lost or canceled in excess of six days.

SPONSOR: Goodman

HANDLER: Wallace

This provision is similar to HB 839 (2007).

JIM ERTLE

SPONSOR: Rupp

HANDLER: Yates

SCS/SB 66 - This act modifies various provisions of law relating to insurance company investments, revises the enforcement powers of the Department of Insurance, and substantially revises the title insurance code.

EXEMPTING INSURANCE COMPANIES FORMED UNDER CHAPTER 376 FROM CERTAIN INVESTMENT RESTRICTION STATUTORY PROVISIONS - The act provides that the provision of law that forbids insurance companies from trading in goods and other merchandise does not apply to insurance companies formed under chapter 376 (section 375.320).

The act provides that certain real estate ownership and restrictions shall not apply to insurance companies formed under chapter 376 (Section 375.330 and Section 375.340)). The act explicitly provides that insurance companies formed under chapter 376 may engage in derivative transactions under certain conditions (Section 375.345).

Under current law, capital, reserve and surplus of a domestic insurer may be invested in bonds, notes or other evidences of indebtedness, or preferred or guaranteed stocks if such bonds, notes or other evidences of indebtedness, or preferred or guaranteed stocks or shares, carry at least the second highest designation or quality rating conferred by the Securities Valuation Office of the National Association of Insurance Commissioners. Under this act, this provision shall not apply to insurance companies organized under Chapter 376, RSMo (Section 375.532).

Under this act, certain foreign government and foreign company investment restrictions shall not apply to insurance companies organized under Chapter 376, RSMo (Section 375.534).

This act provides that the "Investments I Medium and Lower Quality Obligations Law" shall not apply to insurance companies organized under Chapter 376, RSMo.

INVESTMENTS BY HEALTH AND ACCIDENT INSURERS UNDER CHAPTER 376 - After making the above-mentioned statutory exemptions for insurers organized under Chapter 376, RSMo, the act institutes a new investment statutory scheme (Sections 376.291 to 376.307). The act defines the terms applicable to the new investment provisions.

The act sets forth what insurers may acquire, hold, or invest in investments or engage in investment practices. Investments not conforming to the provisions of the act may not be admitted assets (Section 376.293). The act provides that an insurer shall not directly or indirectly invest in obligations or securities or make guarantees for the benefit of officers or directors except as provided by law (Section 376.294).

LOANS TO OFFICERS AND DIRECTORS - Under the act, an insurer may not, except under specified circumstances, directly or indirectly, without the prior written approval of the director: 1) make a loan to an officer or director of the insurer or make another investment in a person in which the officer or director has any direct or indirect financial interest; 2) make a guarantee for the benefit of or in favor of an officer or director of the insurer or a person in which the officer or director has any direct or indirect financial interest; or 3) enter into an agreement for the purchase or sale of property from or to an officer or director of the insurer or a person in which the officer or director has any direct or indirect financial interest. An insurer may, without the prior written approval of the director, make any of the following:

- (1) Policy loans in accordance with the terms of the policy or contract;
- (2) Advances to officers or directors for expenses reasonably expected to be incurred in the ordinary

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course of the insurer's business or guarantees associated with credit or charge cards issued or credit extended for the purpose of financing these expenses;

(3) Loans secured by the principal residence of an existing or new officer of the insurer made in connection with the officer's relocation at the insurer's request if the loans comply with the requirements of law and the terms and conditions are the same as those generally available from unaffiliated third parties;

(4) Loans and advances to officers or directors made in compliance with state or federal law specifically related to the loans and advances by a regulated noninsurance subsidiary or affiliate of the insurer in the ordinary course of business and on terms no more favorable than available to other customers of the entity; and

(5) Secured loans to an existing or new officer of the insurer made in connection with the officer's relocation at the insurer's request, if the loans meet certain criteria (Section 376.295).

VALUATION OF INVESTMENTS - The act requires investments to be valued based on published accounting and valuation standards of the National Association of Insurance Commissioners (NAIC) (Section 376.296).

GENERAL THREE PERCENT DIVERSIFICATION -- MEDIUM-GRADE AND LOWER-GRADE INVESTMENTS -- CANADIAN INVESTMENTS - Under this act, an insurer is prohibited from investing more than 3% of its admitted assets in investments issued by a single person. The 3% limitation does not apply to the aggregate amounts insured by a single financial guaranty insurer with the highest generic rating issued by a nationally recognized statistical rating organization. The act sets forth the conditions for medium and lower grade investments. The act also establishes the conditions for Canadian investments (Section 376.297).

RATED CREDIT INSTRUMENTS - Under the act, an insurer, subject to certain limitations, is allowed to acquire rated credit instruments issued, assumed, insured, or guaranteed by certain governments, government agencies, or government-sponsored enterprises (if their instruments are assumed, guaranteed, or insured by the United States or are otherwise backed or supported by the full faith and credit of the United States) (Section 376.298).

TANGIBLE PERSONAL PROPERTY - An insurer may acquire and invest in tangible personal property if the resulting ownership of the property returns to the insurer the cost of the investment plus a return deemed adequate by the insurer. Investments under this portion of the act cannot exceed 2% of its admitted assets or 0.5% of its admitted assets as to any single item of tangible personal property (Section 376.301).

OBLIGATIONS SECURED BY MORTGAGES - An insurer may acquire obligations secured by mortgages on real estate situated within a domestic jurisdiction, either directly or indirectly through limited partnership interests and general partnership interests not otherwise prohibited by law, joint ventures, stock of an investment subsidiary, membership interests in a limited liability company, trust certificates, or other similar instruments or obligations secured by mortgages on real estate. However, a mortgage loan that is secured by other than a first lien may not be acquired unless the insurer is the holder of the first lien. The obligations held by the insurer and any obligations with an equal lien priority may not, at the time of acquisition of the obligation, exceed certain limitations imposed by the act.

An insurer may acquire, manage, and dispose of real estate situated in a domestic jurisdiction, either directly or indirectly through limited partnership interests and general partnership interests not otherwise

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prohibited by law, joint ventures, stock of an investment subsidiary, membership interests in a limited liability company, trust certificates, or other similar instruments. The real estate must be income-producing or intended for improvement or development for investment purposes under an existing program. An insurer may acquire, manage, and dispose of real estate for the convenient accommodation of the insurer's or the insurer's affiliates' business operations, including home office, branch office, and field office operations (Section 376.302).

SECURITIES LENDING - An insurer may enter into securities lending, repurchase, reverse repurchase, and dollar roll transactions with business entities, subject to the insurer's board of directors adopting a written plan that specifies how cash received will be invested or used, operational procedures to manage certain investment risks, and the extent to which an insurer may engage in these transactions. The act sets forth the various conditions the insurer must meet in order to engage in these types of investment transactions (Section 376.303).

FOREIGN INVESTMENTS AND FOREIGN CURRENCY TRANSACTIONS- The act sets forth the conditions in which an insurer may invest in foreign investments or engage in investment practices with persons in foreign jurisdictions. The act also authorizes insurers to acquire investments in foreign currencies if certain conditions are met (Section 376.304).

The insurance investment portions of the act are substantially similar to HB 1926 and SB 1135 (2006).

DEPARTMENT OF INSURANCE ENFORCEMENT POWERS - This act provides a consistent set of administrative, civil and criminal enforcement tools for all of Missouri's insurance laws. For each violation in chapters 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, and 385, RSMo, this act authorizes cease and desist orders, curative orders, injunctions, consumer relief, recovery of investigative costs for violations, and a range of civil penalties commensurate with the seriousness of the offense, scienter of the offender, and losses suffered by consumers. For example, the act revises the administrative and enforcement powers of the department with respect to health service corporations and HMOs by making violations of key provisions subject to the administrative orders and civil actions provisions of sections 374.046 and 374.048. The act revises other provisions in the insurance chapters to synchronize the administrative powers of the department (many of these provisions may be found in SB 153 (2007)).

The act removes the director's authority to suspend a prepaid dental corporation's certificate of authority if it issues a contract without filing and receiving prior approval from the director (section 354.722).

ADMINISTRATIVE HEARINGS - The act provides applicants who are refused licenses with the opportunity to file petitions with the administrative hearing commission. The administrative hearing commission is required to conduct hearings, but the director retains his or her discretion in refusing to issue licenses. The act also requires the director to refer certain matters involving revocation or suspension of a license to the administrative hearing commission. The act requires the director to hold administrative hearings for persons aggrieved by orders of the director for violations of Missouri's insurance laws. Final orders issued by the director are subject to judicial review (section 374.051).

COOPERATION WITH OTHER AGENCIES AND BODIES - The act authorizes the director to cooperate with other administrative agencies and national associations (e.g. NAIC) to effectuate greater uniformity in insurance and financial services regulation among state and federal governments, and self-regulatory organizations. The act further provides that the director may share records with such

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entities subject to privacy and disclosure laws (section 374.185).

MARKET CONDUCT STUDY BY DIRECTOR - The act requires the director to study and recommend to the General Assembly changes to avoid duplication of market conduct activities and to implement uniform procedures for market conduct examinations. The study must be completed by January 1, 2008 (section 374.208).

FALSE TESTIMONY AND PRODUCTION OF RECORDS - The act modifies the law on the issue of testifying falsely in insurance investigations. No person shall knowingly make a false statement under oath or affirmation in any record submitted to the director. Under the act, knowingly making false statements or making false entries upon documents is a Class D felony (current law provides a \$1,000 fine and five years in prison) . The act provides that the director may seek an order to enforce compliance if a person refuses to testify, file statements or produce records. Persons are not excused from testifying or producing records based on the grounds that the testimony or records may tend to incriminate them. In such a case, the director may seek a court order to compel the testimony or production of records and the testimony or records may not be used as evidence in a criminal case (section 374.210 and section 374.215).

INSURANCE PRODUCERS - The act requires insurance producers to complete 16 hours of continuing instruction (up from 10 hours)(section 375.020).

Under the act, the director is authorized to issue administrative orders and maintain civil actions against insurance producers. The act modifies other insurance producer provisions in order to make the new enforcement powers applicable to insurance producers.

Under the act, the director may adopt rules and regulations codifying professional standards of producer competency and trustworthiness in the handling of applications, premium funds, conflicts of interest, record-keeping, supervision of others, and customer suitability in the sale of annuities (section 375.143).

The act provides that a violation of a provision of chapter 375, if not specifically provided for, shall be a Class B misdemeanor (section 375.780).

The act also modifies section 384.054 by providing that the penalty on surplus line insurers who are delinquent in paying taxes. The act provides that the penalty shall be one percent of the tax per diem up to ten percent of the tax.

FILING FEES - This act revises the fee schedules for health services corporations, health maintenance organizations and insurance companies. The act modifies the filing fees for certain documents paid by those types of organizations (section 354.150, 354.485, and 374.230).

EXAMINATION ASSESSMENTS - The act also provides that the assessments made against insurance companies for examination purposes shall include:

- 1) the costs of compensation, including benefits, for the examiners, analysts, actuaries, and attorneys contributing to the examination of the company;
- 2) reasonable travel, lodging and meal expenses related to an on-site examination; and

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3) other expenses related to the examination (section 374.160).

The act requires the director to pay such expenses from the insurance examiners fund.

The act provides that the Insurance Dedicated Fund may be used for the regulation of the business of insurance, regulation of HMOs and the operation of the division of consumer affairs (section 374.150.2).

The act removes subsection 3 of section 374.150 which is no longer operative.

The act provides that domestic insurance companies subject to orders of conservation, rehabilitation or liquidation shall reimburse the Insurance Dedicated Fund for administrative services rendered by state employees to the company (section 374.160).

The act also repeals provisions relating to the Insurance Examiner's Sick Leave Fund (sections 374.261 to 374.267).

The provision relating to filing fees, examination assessments, and the repeal of the provisions relating to the Insurance Examiner's Sick Leave Fund are substantially similar to ones contained in SCS/SB 170 (2007) and SB 883 (2006).

DISCOUNT MEDICAL PLANS - The act establishes regulations for discount medical plan organizations that issue health discount medical plans (section 376.1500 to 376.1532). The act establishes a basic regulatory system for health discount plans, which are currently unregulated in Missouri. The act requires medical discount plan organizations to register with the director, establishes standards for advertising and disclosures related to health discount plans, and allows the department to examine and investigate the business and affairs of a medical discount plan organization. The discount medical plan organization provisions are similar to the ones contained in SB 381 (2007) and the truly agreed to version of HB 818 (2007).

ACCIDENT RESPONSE SERVICE FEES - This act provides that no person or entity shall impose an accident response service fee on or from an insurance company, the driver or owner of a motor vehicle, or any other person. An accident response service fee is a fee imposed for the response or investigation by a local law enforcement agency of a motor vehicle accident (section 374.055.3).

ANNUITY CONTRACTS - Under the act, the director may, consult and cooperate with the commissioner of securities in investigations arising from the offer and sale of annuity contracts and may request assistance from the commissioner of securities in any proceeding arising from the offer and sale of any such contracts (section 376.309).

SUICIDE AND LIFE INSURANCE COVERAGE CONTESTABILITY- This act allows life insurance companies to exclude coverage for suicide for one year after the issuance of the policy. If the insured dies as a result of suicide within the one year period, the insurer must refund all premiums paid. This portion of the act is similar to SB 325 (2007), SB 838 (2006) and HB 1060 (1996)(section 376.620).

TITLE INSURANCE CODE REVISION - This act substantially revises the title insurance act. The act reenacts numerous provisions that were contained in SB 894 (2000) they were found unconstitutional due to clear title violations. The unconstitutional provisions remain in the statute books whereas the pre-SB 894 provisions are not contained in the statute books. The act provides that sections 381.011 to 381.412 shall govern the regulation of title insurance within the state of Missouri and that all insurance laws shall

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also apply unless the context requires otherwise (section 381.011).

TITLE INSURANCE COMMITMENT, OWNER'S AND LENDER'S TITLE INSURANCE POLICIES

- The act defines the term "title insurance commitment" for purposes of the title insurance act. This act requires written notice to be given to a purchaser-mortgagor at the time a commitment is prepared. The notice shall a lender's policy protects the lender and does not protect the purchaser and that the purchaser could be protected through the purchase of an owner's policy of title insurance within 60 days of the closing (Section 381.015).

DUTIES OF INSURERS UTILIZING SERVICES OF TITLE AGENCIES - A title insurer shall not allow its agents to sell title insurance policies unless there is a written contract between the parties. The title insurer shall maintain an inventory of all policy numbers allocated to each title agency or title agent not affiliated with a title agency. The title insurer shall have on file proof that the title agency or title agent is licensed by Missouri. The title insurer shall establish underwriting guidelines and limitations on title claims settlement authority to be incorporated into contracts with its title agencies and title agents not affiliated with a title agency. If a title insurer terminates its contract with a title agency, the insurer shall, within 7 days of the termination, notify the director of the reasons for termination (Section 381.018).

DISCLOSURE OF CHARGES – Under this act, a title insurer, title agency or title agent participating in a settlement or closing of a residential real estate transaction shall provide clear and conspicuous disclosure of premiums and charges. The director shall adopt rules not in conflict with provisions of RESPA to implement disclosure of premium, abstract or title search and examination fee, and settlement or closing fees (Section 381.019).

CONDITIONS FOR MAINTAINING ESCROW AND SECURITY DEPOSIT ACCOUNTS - The act defines the terms "escrow", "qualified depository institution", and security". In order for a title insurer or title agent to operate as an escrow, security, settlement, or closing agent, it must deposit such related funds into a separate fiduciary trust account within 1 business day of receipt. Any bank credits, bank services, interest or similar consideration received on escrow, settlement, security deposit, or closing funds may be retained by the title insurer or agent as compensation for the administration of the account, unless written instructions provide otherwise. Under the act, it is unlawful for any person to commingle personal or any other moneys with escrow funds, use escrow funds to pay or indemnify against debts of the title insurance agent or of any other person, use escrow funds for any purpose other than to fulfill the terms of the individual written escrow instructions after the necessary conditions of the instructions have been met, disburse any funds held in an escrow account unless the disbursement is made pursuant to a written instruction or agreement or pursuant to an order of a court of competent jurisdiction; or disburse any funds held in a security deposit account unless the disbursement is made pursuant to a written agreement. Under the act, a title insurer or title agent shall not provide escrow or closing services unless it issues a commitment or policy or gives written notice that the closing or settlement is not protected by the title insurer or agent. The act further provides it is unlawful for any title agency or agent to engage in the handling of an escrow, settlement or closing of a residential real estate transaction unless it is performed in conjunction with the issuance of a title insurance policy or closing protection letter or disclosure by the agent that there is no coverage is being provided for the closing or settlement funds (Section 381.022).

PERIODIC ONSITE REVIEWS OF TITLE AGENTS BY TITLE INSURERS - Under the act, a title insurer must, at least annually, conduct an onsite review of the underwriting, claims, and escrow practices of the title insurance agency or agent with which it has a contract. If the agency or agent does not

SPONSOR: Rupp

HANDLER: Yates

maintain separate fiduciary trust accounts for each title insurer it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the agency or agent. Each title insurer shall adopt and utilize standards and procedures for the on-site review of title insurance agents and agencies. On-site review documentation, work papers, summaries and reports shall be maintained by each title insurer for a period of at least 4 years and shall be made available to the director for examination upon request. The title insurer shall provide a copy of its review report to the director (Section 381.023).

ACCESS TO RECORDS OF UNAFFILIATED AGENT – Under this act, it is unlawful for any title agency or title agent not affiliated with an agency to unreasonably deny access or fail to cooperate with its underwriters in the title insurers' reviews of the agency's or agent's escrow, settlement, closing and security deposit accounts (Section 381.024).

DIVISION OF PREMIUMS AND CHARGES – Nothing in the title insurance act shall be construed as prohibiting the division of premiums and charges between or among a title insurer and its title agents or agencies, provided that the division of premiums and charges does not constitute a violation of the Real Estate Settlement Procedures Act (Section 381.025).

RECORDING OF DEEDS - Under this act, a settlement agent shall present for recording all deeds and security instruments for real estate closings handled by it within five business days after completion of all conditions precedents (Section 381.026).

AFFILIATED BUSINESS ARRANGEMENTS - The act provides definitions for the terms “affiliate”, “affiliated business”, “associate”, “control”, and “referral”. Whenever the business to be written constitutes affiliated business, prior to commencing the transaction, the title insurer or title agent shall ensure that its customer has been provided with disclosure of the existence of the affiliated business arrangement and a written estimate of the charges generally made for the title services provided by the title insurer or agent. The director shall require each title insurer and agent to file on forms reports setting forth the names and addresses of those persons that have a financial interest in the insurer or agent. Nothing shall be construed as prohibiting affiliated business arrangements in the provision of title insurance business so long as the title insurer or title agent or other party, at or prior to the time of the referral, discloses the arrangement and, in connection with the referral, provides the person being referred with a written estimate of the charge or range of charges likely to be assessed. Affiliated business arrangements are not prohibited if the only thing of value that is received by the title insurer, agent or party making the referral, other than payments otherwise permitted, is a return on an ownership interest (Section 381.029).

ISSUANCE OF TITLE INSURANCE POLICIES (RECORD KEEPING, TIME LIMITS FOR ISSUANCE) – Records relating to escrow and security deposits shall be retained for a minimum of 7 years. All title agents shall remit premiums to title insurers no later than 60 days of receiving the invoice. Title insurers shall issue each title insurance policy within 45 days after compliance with the requirements of the commitment for insurance unless special circumstances delay the issuance (Section 381.038).

RULES AND REGULATIONS – The act authorizes the director of the Department of Insurance to promulgate rules to implement the provisions of the title insurance chapter (Section 381.042).

ENFORCEMENT OF TITLE INSURANCE LAWS - If the director determines that a person has

SPONSOR: Rupp

HANDLER: Yates

engaged, is engaging, or has taken a substantial step toward engaging in a violation of the title insurance laws, the director may issue administrative orders (cease and desist, curative orders, etc.), suspend or revoke the license of a producer or the certificate of authority of any title insurer for any such willful violation. The director may bring an action in a court of competent jurisdiction to enjoin violations of the Real Estate Settlement Procedures Act (Sections 381.045 and 381.048).

TRANSACTION OF TITLE INSURANCE BUSINESS - No person other than a domestic, foreign or non-U.S. title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state (Section 382.052). Under the act, a title insurer shall have the power to do only title insurance business and reinsure title insurance policies (Section 381.055). Only title insurance companies can issue title insurance policies. A title insurer shall not engage in the business of guaranteeing payment of the principal or the interest of bonds or mortgages (Section 381.058).

CLOSING OR SETTLEMENT PROTECTION - Under the act, a title insurer is expressly authorized to issue closing or settlement protection letters. The closing or settlement protection letter shall be filed with the director. The closing or settlement protection shall indemnify the proposed insured solely against losses not to exceed the amount of the settlement funds due to theft or fraud with regard to the settlement funds by the title agent or for the title agent's failure to comply with the closing instructions. The rate for issuance of the closing or settlement protection letter shall be filed as a rate with the director. The entire rate for the closing or settlement protection letter shall be retained by the title insurer. A title insurer shall not provide any other coverage which purports to indemnify against improper acts or omissions of a person with regard to escrow, settlement, or closing services (Section 381.058).

CAPITAL AND SURPLUS REQUIREMENTS – Under this act, a title insurer licensed shall establish and maintain a minimum paid-in capital of \$400,000 and a surplus of not less than \$400,000. Beginning January 1, 2013, the capital and surplus requirements are increased to \$800,000, respectively (Section 381.062).

NET RETAINED LIABILITY OF TITLE INSURER - The title insurer's net retained liability for a single risk shall not exceed the aggregate of 50% of the surplus as it regards policyholders plus the statutory premium reserve less the company's investment in title plants. A single risk is the insured amount of any title insurance policy. Where there are two or more policies which are issued simultaneously covering different estates in the same real property, a single risk shall be the sum of the insured amounts of all the policies (Section 381.065).

FINANCIAL SOLVENCY - In determining the financial condition of a title insurer, the general provisions of Sections 379.080 to 379.082 shall apply except that an investment in title plants equal to an amount to the actual cost shall be allowed as an admitted asset for title insurers. The aggregate amount of the investment shall not exceed 20% of surplus to policyholders (Section 381.068).

LIQUIDATION AND INSOLVENCY OF TITLE INSURERS - The Missouri Uniform Insurers Liquidation Act shall apply to all title insurers. Security and escrow funds held by title insurers shall not become general assets and shall be administered as secure claims. Title insurance policies shall not be canceled during a period of liquidation unless good cause is shown to the court. Premiums paid, due or to become due under a title insurance policy at the date of order of insolvency shall be fully earned and it is the duty of the title insurer or its agents to pay the premiums to the liquidator (Section 381.075).

SPONSOR: Rupp

HANDLER: Yates

FORM FILING - Title insurance standard forms shall be approved by the director 30 days before they are used. The director shall review such forms within 30 days. If the director believes the forms or terms are not in compliance with the insurance laws of Missouri, the director may schedule a hearing to be held within 60 days. If the director disapproves a form after the hearing, the director shall issue a disapproval order in accordance with Chapter 536. The disapproval order is subject to judicial review (section 381.085).

LICENSING OF TITLE AGENTS/CONTINUING EDUCATION – All title insurance agencies and agents must be licensed as insurance producers. Certain employees of an insurer or agent are exempt from licensure if they do not engage in certain transactions (determine insurability, calculate premiums, etc.). Title insurance agents must eliminate the word insurer or underwriter from their business name unless the word "agency" is part of the name. If the title insurance agent delegates a title search to a third party, the agent must obtain proof that the third party is qualified by the rules and regulations established by the director.

Every title agent shall pass an examination. Each title agent shall, during a 2 year period, attend courses or programs that provide a minimum of 8 hours of instruction. The act delineates what courses will qualify as continuing education courses. The act allows excess classroom hours accumulated during a two-year period to be carried forward to the next two-year period. For good cause, an agent may be granted an extended period of time to complete the educational requirements. Those title agents who reside in a state with mandatory continuing education requirements do not have to comply with this portion of the act. Every applicant seeking approval by the director for a continuing education course shall a filing fee of \$50 per course (total fee not to exceed \$250). The act provides that the examination requirements shall be waived for all title agents and qualified principals who are licensed in Missouri as of January 1, 2008 (Sections 381.115 and 381.118).

AUDITING OF BOOKS AND RECORDS – Under the act, the director may during normal business hours examine, audit and inspect any and all books and records maintained by a title agency or title agent (Section 381.122).

GOOD FUNDS - This act modifies the definition of "financial institution" for purposes of closing real estate transactions and settlement agents. The act modifies the "good funds" provision by restricting title insurers or agents from making payments or withdrawals from a settlement escrow account unless a corresponding deposit of funds was made to the escrow account for the benefit of the payee or payees. This restriction applies regardless of the amount of the payment or withdrawal. The current restriction only applies to payments or withdrawals that exceed \$10,000 (Sections 381.410 and 381.412).

The title insurance code revisions are substantially similar to the provisions contained in SB 635 (2007).

STEPHEN WITTE

SPONSOR: Griesheimer

HANDLER: Schlottach

CCS/HCS/SB 81 - This act allows the city of Gladstone to impose a transient guest tax of up to five percent. The act allows the City of Sullivan and the portion of the Sullivan C-2 School District located in Franklin County to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels, motels, bed and breakfast inns and campgrounds or docking facilities. The proposed tax must be submitted to the voters and shall not be less than two percent or greater than five percent per occupied room per night.

The act allows cities, towns, and villages within Clay County, Franklin County, Boone County, Jasper County or Jackson County, to form a Theater, Cultural Arts, and Entertainment District. Such counties and St. Charles County may also form such a district. Counties, cities, towns, and villages that adopt transect-based zoning may also form such districts. Currently, only municipalities in St. Charles are allowed to form such a district.

This act requires a Theater, Cultural Arts, and Entertainment District to be a minimum of twenty five contiguous acres in size, rather than fifty acres. This act requires the governing body of the city or county in which a district is proposed to pass a resolution describing the district when a petition for its creation is filed. It specifies that a district may be created to fund and provide infrastructure.

This act states that if there is a conflict between the zoning or subdivision ordinances of a municipality that are based upon transect-based zoning and the provisions of any ordinance of another political subdivision with respect to street configuration, the municipality's ordinances shall prevail.

The act allows the city of Hollister to impose a transient guest tax of at least two percent, but not to exceed five percent per room per night. Section 67.1360 The act contains an emergency clause for the repeal and re-enactment of section 67.1360, RSMo.

The act allows the governing body of any special charter city to impose a transient guest tax not to exceed five percent per room per night.

The act allows the city of Independence to impose a sales tax not to exceed one percent to fund police services provided by the municipal police department. The tax may be imposed in increments of one-eighth of one percent.

This act repeals the duplicate section of the doubly-enacted section 67.2505 RSMo.

JASON ZAMKUS

SPONSOR: Griesheimer

HANDLER: Tilley

CCS/HCS/SCS/SB 82 - This act makes numerous changes to provisions relating to the regulation of motor vehicles.

LOCAL LOG TRUCKS - This act modifies the definitions of the terms "local log truck" and "local log truck tractor" by expanding the area in which such vehicles can operate. Under current law, such vehicles are to operated at a forested site and in area extending not more than a 50 mile radius from such site. The act increases the radius to 100 miles (Section 301.010). This provision is contained in SB 349 (2007).

SALVAGE VEHICLES - This act modifies the definition of "salvage vehicle." Under the act, the definition is modified to include later model year vehicles (damaged during a year that is no more than 6 years after the manufacturer's model year designation) that are damaged to the extent the total cost of repairs to rebuild it exceeds 80% (up from 75%) of the fair market value of the vehicle prior to the time the vehicle was damaged. The definition is further modified by including vehicles that have been declared salvaged by an insurance company as a result of settlement of a claim. Current law requires the settlement be for a claim for loss due to damage or theft. In addition, when determining whether a vehicle is salvage or not, the total cost of repairs shall not include the cost of repairing hail damage (Section 301.010).

The act repeals a provision of law that requires purchasers apply for a salvage title on vehicles seven years old or less and optional for vehicles older than seven years of age. In lieu of that requirement, the act provides that on vehicles purchases during a year that is no more than 6 years after the manufacturer's model year designation, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than 6 years after the model year designation, the application for a salvage title shall be optional (Section 301.227.1).

The act also provides that an insurer may obtain an original title without a prior salvage designation on a stolen vehicle that has not been declared a salvage vehicle. The current law only allows the issuance of an original title without a salvage designation (Section 301.227.8). These provisions are contained in SB 82 (2007).

TEMPORARY PERMITS - This act modifies various provisions relating to temporary permits. The act removes references to the terms "plate" and "paper plate" from the temporary permit provision to unify the name as temporary permit (Section 301.140). A similar provision may be found in SB 335 (2007).

TITLE DESIGNATIONS - Under this act, when an application is made for a title in Missouri for a motor vehicle previously registered in another state and such vehicle was designated as a prior salvage vehicle, this designation shall be carried forward on the Missouri title (Section 301.190.12). The act provides that the absence of a prior designation on a an out-of-state title that the vehicle is a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle or prior salvage vehicle shall not relieve the transferor of the duty to exercise due diligence with respect to the title prior to its transfer. If the transferor exercises due diligence with respect to the out-of-state title, then the transferor shall not be liable despite the fact that the title was not properly designated (Section 301.190.12). The act also repeals a doubly-enacted Section 301.190. A similar provision may be found in SB 335 (2007).

TRANSFER NOTICE - The act exempts persons transferring ownership of a motor vehicle or trailer to an insurance company due to theft or casualty loss from providing the transfer notice required by Section 301.196.

SPONSOR: Griesheimer

HANDLER: Tilley

SALVAGE SALES - This act provides that motor vehicle sales at salvage pools or salvage disposal sales be open to all potential buyers. The current law limits the sales to licensed salvage dealers (Section 301.218). This provision is contained in HB 567 and SS/SCS/SB 239 et al (2007).

MOTOR VEHICLE DEALER DEFINITION - The act modifies the term "motor vehicle dealer." Under the act, any motor vehicle dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sale of 6 or motor vehicles provided the dealer can prove the business achieved, cumulatively 6 or more sales per year for the preceding 24 months in business. If the dealer has not been in business for 24 months, then the cumulative sales must equal one sale every two months for the months the dealer has been in business. Any dealer who fails to meet the minimum requirements will not be qualified to renew his or her license for one year. Applicants who reapply after the period of disqualification must meet the 6 sales requirement. The act also supplies a definition for "trailer dealer" that is similar to the definition of "motor vehicle dealer" with respect to minimum sales (Section 301.550).

EMERGENCY VEHICLE DEALERS - The act also exempts dealers who sell only emergency vehicles from maintaining a bona fide place of business (including the related law enforcement certification requirements) and from meeting the minimum yearly sales. This act is similar to SB 91 (2007), SB 697 (2006) and SB 141 (2005)(sections 301.550 and 301.560).

BONA FIDE ESTABLISHED PLACE OF BUSINESS - Under this act, bona fide business inspections of dealerships are required annually for the first three years, then every other year thereafter (Section 301.560.1(1)). The licensure exemption that exempts boat dealers from having a lot is repealed. The act provides that the photograph that accompanies a dealer initial application shall not be any smaller than 5" by 7" (Section 301.560.1(2)).

PROOF OF INSURANCE - The act requires dealer applications to show proof of a dealer garage policy (Section 301.560.1(3)).

DISTINCTIVE DEALER LICENSE NUMBERS - The act modifies the provision which sets forth the dealer license number designations, including the creation of recreational motor vehicle dealer license plate designations (RV-0 through RV -9999) for new and used recreational motor vehicle dealers (Section 301.560.4). The dealer designations shall take effect no later than December 1, 2008.

ISSUANCE OF DEALER PLATES - Under the act, the department shall issue to new motor vehicle manufacturers and other dealers 1 distinctive dealer plate and two additional number plates. The fee for the 2 additional number plates is \$21 (Section 301.560.6). Under the act, new motor vehicle manufacturers shall not be issued or possess more than 347 additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to 1 additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate (Section 301.560.6).

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HANDLER: Tilley

USED MOTOR VEHICLE DEALER EDUCATIONAL SEMINAR - The act exempts public auto auctions and applicants currently holding a new or used dealer's license for a separate dealership from showing proof of completing an educational seminar when applying for a used motor vehicle dealer's license. The act also specifically provides that current new motor vehicle franchise dealers and motor vehicle leasing agencies are not subject to the educational seminar requirements (Section 301.560.9).

MOTOR VEHICLE SHOWS - Under the act, new restrictions are placed upon participating in motor vehicle dealer shows. Under the act, dealers may participate in no more than two motor vehicle shows annually away from the dealer's usual, licensed place of business provided the event is conducted for not more than five consecutive days and the event does not require any dealer participant to pay an unreasonably prohibitive participation fee. If any show or sale includes a class of dealer or franchised new vehicle line-make, that is also represented by a same class dealer or dealer representing the same line-make outside of the boundary lines of the city or town and is within 10 miles of where the show or sale is to take place, the dealer outside of the boundary lines of the city or town shall be invited to participate in the show or sale. The act limits off-site sales to five days in duration (down from 10 days) and increases the permit fee for off-site sales to \$550 (up from \$200)(Section 301.566). The act also repeals a doubly-enacted version of section 301.566.

ADVERTISING GUIDELINES - Under this act, the terms "invoice price" and "\$....below/over invoice" shall not be used in advertisements. The current law currently allows these terms. The act also removes the restriction of advertising the matching or bettering a competitor's price (Section 301.567).

SALE OF 6 OR MORE MOTOR VEHICLES IN A YEAR WITHOUT A LICENSE - This act makes it unlawful for a person to sell 6 (down from 7) or more motor vehicles in a calendar year unless the person is licensed or meets other exceptions listed in the statute. The sale of 6 or more vehicles within a calendar year shall be deemed to be acting as a motor vehicle dealer without a license (Section 301.570).

RELEASE OF MOTOR VEHICLE LIENS - This act requires a lienholder to release a motor vehicle lien within 5 business days after the lien has been satisfied. The current law gives the lienholder 10 business days to release the lien. The act also requires the lienholder to notify the Department of Revenue within 5 business days if the certificate of ownership is in the department's possession. The act also increases the fines for noncompliance with the time deadlines. The act imposes a graduated liquidated damages scale with a maximum amount of \$2,500 in damages that can be imposed for each lien not timely released. The current law provides for a maximum fine or penalty of \$500 for each lien not timely released (Section 301.640). This provision is similar to one contained in SB 358 and SB 335 (2007). The provision may also be found in the perfected version of SB 239 et al (2007).

DEPARTMENT OF CONSERVATION EMERGENCY VEHICLES - This act adds vehicles driven by law enforcement agents of the Department of Conservation to the list of vehicles considered "emergency vehicles" (Section 304.022). This provision is contained in SB 352 (2007).

DRIVEAWAY SADDLEMOUNT COMBINATIONS - This act increases the maximum length for driveaway saddlemount combinations from 75 feet to 97 feet when operated on the interstates (Section 304.170.8). This portion of the act is identical to SB 51 (2007) and SB 909 (2006).

MOTOR VEHICLE FRANCHISE PRACTICES ACT - This act modifies the definition of the term "motor vehicle" contained in the Motor Vehicle Franchise Practices Act to include any engine, transmission, or rear axle, regardless of whether attached to a vehicle chassis, that is manufactured for the

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HANDLER: Tilley

installation in any motor-driven vehicle with a gross vehicle weight rating of more than 16,000 pounds (Section 407.815). This provision is contained in SB 350 (2007).

IN TRANSIT TAGS - The act repeals the provision of law which required dealers to use "In Transit" tags when moving motor vehicles from one dealer to another or from the manufacturer (Section 301.170).

TEMPORARY PERMITS FOR RESIDENTS - The act repeals the provision of law that required the issuance of temporary permits to nonresidents (Section 301.177).

FIREFIGHTER LICENSE PLATE - This act restores a corrected provision dealing with volunteer firefighter and fire district firefighter special license plates that was erroneously omitted by the General Assembly in 2004 (section 301.444). This provision is also contained in SS/SCS/SB 239 et al (2007)(HA 1).

SALVAGE POOL SALES - This act modifies section 301.218 regarding salvage pool sales. Instead of being open to the public in general, salvage pool sales shall be open only to persons actually engaged in and holding salvage dealer licenses, other licensed motor vehicle dealers, persons from other jurisdictions licensed within those states to purchase, rebuild or scrap motor vehicles, and persons from foreign countries who are purchasing vehicles for export out of the U.S. The act further requires sellers of nonrepairable motor vehicles who sell such vehicles to non-U.S. residents to mark the title to such vehicle with the words "FOR EXPORT ONLY", and do the same in each unused reassignment space on the title (HA 3).

TRUCK LENGTHS - Modifies section 304.170 by increasing the width limit from 96" to 102" to all highways of the state (not just interstates). The act further removes 304.170.14 which stated that "The purpose of this section is to permit a single trip per day by the implement of husbandry from the source of supply to a given farm" (section 304.170 (HA 4)).

WAIVER OF CDL DRIVING TEST FOR MILITARY APPLICANTS - This act authorizes the Director of Revenue to waive the driving skills test for any qualified military applicant for a commercial driver license who is currently licensed at the time of application for a commercial driver license. Under the act, the director must impose conditions and limitations to restrict the applicants from whom the department may accept alternative requirements for the skills test. The act requires the applicant to certify that, during the two-year period immediately preceding application for a commercial driver license, that certain conditions apply. For example, the applicant must demonstrate that he has not had any license suspended, revoked or canceled. The applicant will still have to complete all applicable written tests (section 302.720.2(5))(HA 10)). This portion of the act is similar to SB 240 (2007).

MOTOR VEHICLE RENTAL AGREEMENTS - The act provides a definition of "vehicle license fees" for purposes of the motor vehicle leasing provisions contained in Section 407.730 to 407.748 (section 407.730). This act also provides that additional charges (fuel surcharges, vehicle license fees, etc.) shall be clearly and conspicuously disclosed on the rental agreement. (Section 407.732)(HA 11).

DRIVER LICENSE POWER OF ATTORNEY - This act allows driver's license applications to be signed by a power of attorney executed by an individual deployed with the armed forces (section 302.171)(HA 12).

OUT-OF-STATE RV SHOWS - The act provides that an out-of-state show promoter of recreational

SPONSOR: Griesheimer

HANDLER: Tilley

vehicles may hold recreational vehicle shows within the state under certain conditions (minimum of 10 Missouri RV dealers and more than 50% of the participating dealers are licensed in Missouri)(section 301.569)(HA 15).

DISABLED PLATES AND PLACARDS - This act exempts any person 75 years of age or older from providing a physician's statement when renewing disabled license plates or placards. The act also changes the renewal period for disabled windshield placards from two to four years (section 301.142)(HA 16).

DISCONTINUANCE OF SPECIAL LICENSE PLATES - The act also allows the Department of Revenue to deny accepting applications and deny issuance of special license plates if no applications are received within five years from the effective date of the law authorizing the plate (section 301.2998)(HA 22).

MARKINGS OF LICENSE PLATES - This act grants the Department of Revenue discretion whether to stamp or mark local commercial license plates as only local. It further grants the department discretion to stamp or mark other commercial motor vehicle license plates with an emblem to indicate the vehicle's gross weight. Under the current law, these designations are mandatory (Section 301.030). These provisions can be found in the perfected version of SB 103 (2007)(HA 22).

TOW TRUCK VIOLATIONS - This act provides that a violation of a municipal ordinance prohibiting tow truck operators from proceeding to the scene of an accident unless requested by a party involved in the accident or by an officer of a public safety agency is a 4 point violation on that person's driver's license (Section 302.302).

STEPHEN WITTE

SPONSOR: Champion

HANDLER: Franz

CCS/HCS/SB 84 - This act modifies various provisions relating to child placements.

CRIMINAL BACKGROUND CHECKS IN EMERGENCY PLACEMENTS

This act modifies provisions relating to criminal background checks when there has been an emergency placement of a child in a private home. Under current law, the criminal background check must be made within fifteen business days and there is an exception for conducting background checks for family members who are within the second degree of consanguinity of the child.

This act provides that the criminal background check be made within fifteen calendar days and removes the family member exception. These changes are consistent with Federal Bureau of Investigation regulations on emergency use of its system for background checks for the placement of children in out-of-home care. (Section 210.482)

CRIMINAL BACKGROUND CHECKS

This act allows the Children's Division of the Department of Social Services and the Department of Health and Senior Services to waive the fingerprint background check requirement for a foster care applicant when recertifying the foster care home. (Section 210.487)

These provisions are substantially similar to HB 1210 (2007).

INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN

This act revises the Interstate Compact for the Placement of Children. The compact is an existing agreement between the states regarding the placement of children from one state to another. The compact facilitates ongoing supervision of a placement, the delivery of services, and communication between the states and ensures that children are placed in safe and suitable homes in a timely manner. Adoption of the revised compact makes Missouri a member of the Interstate Commission for the Placement of Children and requires the state to establish a central state compact office to be responsible for state compliance with the compact and rules of the commission. The compact establishes the powers and duties of the interstate commission and specifies provisions regarding bylaws, structure, rule-making authority, financing mechanism, a process for dispute resolution, and enforcement. The compact becomes effective August 28, 2007, or upon legislative enactment of the compact into law by no less than 35 states, whichever occurs later.

This act requires that a family support team meeting or juvenile court proceeding regarding the termination of parental rights be closed if a parent has terminated, in writing, his or her parental rights regarding a placement in a licensed child placing agency and allows a licensed child placing agency to file a petition for the transfer of custody. (Sections 210.620, 210.622, 210.625, 210.635, 210.640, 210.762)

These provisions are substantially similar to HB 954 (2007).

INTERSTATE COMPACT FOR JUVENILES

This act revises the Interstate Compact for Juveniles. The compact is an existing agreement between the states regarding the supervision and transfer of juvenile delinquents who have escaped from supervision to another state. Adoption of the compact makes Missouri a member of the Interstate Commission for Juveniles and requires the state to select a compact administrator to manage the state's transfer of those juveniles subject to the compact. The compact establishes the powers and duties of the interstate commission and specifies the bylaws, corporate structure, rule-making authority, financing

SPONSOR: Champion

HANDLER: Franz

mechanism, process for dispute resolution, and enforcement provisions. The compact becomes effective August 28, 2007, or upon legislative enactment of the compact into law by no less than 35 states, whichever occurs later. (Sections 210.570 and 210.580)

These provisions are substantially similar to SB 292 (2007).

TERMINATION OF PARENTAL RIGHTS

This act requires a juvenile officer or the juvenile division of the circuit court to file a petition for the termination of parental rights within 60 days of the judicial determination. Filing a petition after 60 days will not prohibit the court's jurisdiction to adjudicate a petition for the termination of parental rights. (Section 211.319, 211.444, 211.447)

These provisions are substantially similar to 935 (2007).

MISSOURI STATE HIGHWAY PATROL AND FINGERPRINT CHECKS

Currently, an entity making a request, as required by law, for criminal history record information that is not based on a fingerprint search must pay a fee of not more than \$5 per request. Entities making requests not required by law cannot be charged more than \$10. Under this act, an entity cannot be made to pay more than \$9 dollars for such a request regardless of whether required by law. However, after January 1, 2010, the Superintendent of the Highway Patrol may increase the fee by not more than \$1 per year. Under no circumstances shall the fee exceed \$15 dollars per request.

Currently, an entity making a request for criminal history record information that is based on a fingerprint search must pay a fee of not more than \$14 per request when such request is required by law. When not required by law, the entity may be charge not more than \$20 for such request. Under this act, an entity cannot be charged a fee of more than \$20 dollars for criminal history record information based on a fingerprint search, unless the request is required by the concealed carry endorsement statute or the foster home, residential care facility, or child placing agency licensing statutes, in which case, the fee shall be \$14. (Section 43.530)

These provisions are substantially similar to provisions in SB 531 (2007).

AMBER ALERT SYSTEM AND MISSING PERSONS

This act modifies certain provisions relating to missing and endangered persons.

This act specifies that the "Amber Alert System" aids in the identification and location of abducted children, rather than adults.

Under this act, an "abducted child" is a child whose whereabouts are unknown and who is:

(1) Less than eighteen years of age and reasonably believed by law enforcement to be the victim of kidnapping;

(2) Reasonably believed by law enforcement to be the victim of child kidnapping; or

(3) Less than eighteen years of age and at least fourteen years of age, and who, if under the age of fourteen, would otherwise be reasonably believed by law enforcement to be the victim of child

SPONSOR: Champion

HANDLER: Franz

kidnapping.

This act creates an advisory system to aid in the identification and location of missing endangered persons.

Under this act, a "missing endangered person" is someone whose whereabouts are unknown and who is:

- (1) Physically or mentally disabled to the degree that the person is dependent upon an agency or another individual;
- (2) Missing under circumstances indicating that the missing person's safety may be in danger; or
- (3) Missing under involuntary or unknown circumstances.

The Department of Public Safety has the authority to promulgate rules establishing recommended procedures for issuing missing endangered person advisories. (Sections 210.1012 and 650.025).

These provisions are substantially similar to SCS/SB 67 (2007).

EDUCATIONAL NEEDS OF CHILDREN IN RESIDENTIAL CARE FACILITIES

This act requires the Department of Elementary and Secondary Education to, in conjunction with the Department of Social Services, conduct a study to determine the means of ensuring that the educational needs of certain children in residential care facilities are met in terms of setting and amount, and submit a report on the study to the governor and Missouri general assembly on or before November 1, 2007.

The report shall include, but not be limited to, the following:

- Recommendations relating to detailed procedures and timetables to determine the appropriate amount of hours in a school day for the specific child;
- Recommendations on determining the appropriateness of the education for such children described under this section who do not have individualized education programs or are without a pending referral for special education services; and
- Recommendations for determining the responsibility, financial or otherwise, among either the local school district and child placing agency or both as to the proper and timely placement of such children in an appropriate educational setting.

ADRIANE CROUSE

SPONSOR: Champion

HANDLER: Sutherland

HCS/SCS/SB 86 - This act modifies the definitions of "CASA" and "Crisis care center". The act provides that the cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be more than four million dollars, but may be increased by appropriation in any fiscal year beginning on or after July 1, 2004. The amount of remaining tax credits available for the children in crisis tax credit program will be divided equally among the three qualified agencies: CASA, child advocacy centers, and crisis care centers. In the event tax credits claimed under one agency do not total the allocated amount for that agency, the remaining tax credits will be allocated equally among the remaining agencies. In the event the total amount of tax credits claimed for any one agency exceeds the amount available for that agency, the amount redeemed shall and will be apportioned equally to all eligible taxpayers claiming the credit under that agency.

This act makes taxpayer donations of cash, publicly-traded stocks and bonds, and real estate to residential treatment agencies eligible donations for tax credits. Such donations will be valued and documented according to rules promulgated by the Department of Social Services.

This act contains an emergency clause.

JASON ZAMKUS

SPONSOR: Nodler

HANDLER: St. Onge

SCS/SB 91 - This act exempts dealers who sell only emergency vehicles from maintaining a bona fide place of business (including the related law enforcement certification requirements) and from meeting the minimum yearly sales.

This act is similar to SB 697 (2006) and SB 141 (2005).

STEPHEN WITTE

SPONSOR: Rupp

HCS/SS/SB 112 - This act provides that the Missouri Sunset Act shall not apply to the early intervention program for infants and toddlers with disabilities (the First Steps program).

Also, subject to appropriations, the Department of Elementary and Secondary Education shall implement a pilot program requiring the department to implement a pilot program allowing the Regional Interagency Coordinating Council (RICC) of the Greater St. Louis single point of entry (SPOE) to hire a part-time child-find coordinator to conduct the child-find requirements of the First Steps program. The part-time child-find coordinator shall be hired, selected, and employed by the RICC of the Greater St. Louis SPOE by July 1, 2008. By September 1, 2010, the Greater St. Louis SPOE shall conduct a study on the effect of hiring the child-find coordinator and submit the study to the Department, the State Interagency Coordinating Council and the General Assembly.

This act establishes the "Part C Early Intervention Pilot Program Fund" for implementing the pilot program. The provisions of the pilot program shall expire on September 1, 2011.

This act also combines references to the term "handicapped" in the special education statute with the "children with disabilities" to mean children under the age of twenty-one years who have not completed an approved high school program and who, because of mental, physical, emotional learning problems, require special education services.

This act also provides that any school district wanting to change its boundary lines must submit the question at the next election, rather than the next general municipal election. The State Board of Education must approve a proposed boundary change in certain circumstances based on the scores of the receiving and sending districts on their most recent annual performance reports.

This act is similar to SB 436 (2007).

ADRIANE CROUSE

SPONSOR: Mayer

HANDLER: Schlottach

HCS/SB 127 - Current law allows uniformed members of the highway patrol to purchase, prior to retirement, up to four years of creditable service for any time such person served as a non-federal full-time public employee in this state prior to becoming a member of the system. This act extends the aforementioned provision to every member of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS), which includes each employee of the Highways and Transportation Commission, each uniformed member of the highway patrol, and each civilian or non-uniformed employee of the state highway patrol. Further, the act removes a provision requiring the filing of an affidavit stating that the member is not receiving credits or benefits from any other public plan for the service to be purchased. Section 104.040.6.

The act also states that all such creditable service payments must be completed prior to retirement or termination of employment. If a member who purchased creditable service dies prior to retirement, the surviving spouse may, upon written request, receive a refund of the amount contributed for such purchase of such creditable service, provided that the surviving spouse is not entitled to receive survivorship benefits as described in Section 104.110, RSMo. Also, a member who is entitled to a deferred annuity under Section 104.035 shall be ineligible to purchase service under this act. Section 104.040.6.

The act also provides that there shall be two retirees on the board of trustees for the MPERS retirement system, rather than one, in addition to board members provided in current law. One retiree shall be elected by the retired employees of the transportation department and the other shall be elected by the retired employees of the civilian or uniformed highway patrol. The retiree serving on the board on August 28, 2007, shall continue to serve on the board as a representative of the retired employees of the transportation department until June 30, 2010. An election shall be held before January 1, 2008 for the retiree to be elected by the retired employees of the civilian or uniformed highway patrol; such term shall begin January 1, 2008, and expire on June 30, 2010. All terms of elected retired employees shall be for four years after June 30, 2010. Section 104.160.

Provisions in this act are similar to SB 791 (2006) and SB 317 (2005).

ALEXA PEARSON

SPONSOR: Vogel

HANDLER: Deeken

SB 162 - This act modifies the definition of "state agency", with regard to income tax set offs, to include housing authorities as defined under Missouri "Housing Authorities Law".

This act is identical to Senate Bill 766 (2006).

JASON ZAMKUS

SPONSOR: Mayer

HANDLER: Pratt

HCS#2/SCS/SB 163 - Current law provides that the basic civil legal services fund shall expire on December 31, 2007. This act provides that the fund shall expire on December 31, 2012. This act provides that state legal services programs shall represent individuals to secure lawful state benefits, but shall not use any state funds to sue the state, its agencies, or its officials. The act also provides that contracts for services with state legal services programs shall provide eligible low-income citizens with equal access to the civil justice system, with a high priority on children and families, domestic violence, the elderly, and qualifications for benefits under the Social Security Act. It also provides that state legal services programs must abide by all restrictions and requirements of the federal Legal Services Corporation with regards to cases.

The act also provides that any deposition prepared by a person who is not a certified court reporter may be used as testimony in any court in this state as long as all of the following circumstances are met:

- (1) All parties must consent to using an uncertified court reporter, to be filed with the court no later than 7 days before the date of deposition;
- (2) All parties must certify that the deposition is a true and correct copy of the testimony given;
- (3) The uncertified court reporter must state on the record that he or she is an uncertified court reporter appearing by the consent of the parties;
- (4) The uncertified court reporter must keep a voice recording of the deposition for two years, to be provided to any party upon request;
- (5) The uncertified court reporter must have applied for the certified court reporter examination and paid all required application fees;
- (6) The notice of deposition must contain a statement that an uncertified court reporter will be used.

The provisions of this section shall expire on December 12, 2012.

The act also increases fees paid to court reporters for transcription services. The fee for an original transcript is increased from \$1.50 to \$2.25 per 25-line page, and the fee for a copy is increased from \$0.30 to \$0.70 per page. The fee for transcription of the notes of evidence is increased from \$1.50 to \$2.25 per legal page, and the fee for copies of such transcripts is increased from \$0.30 to \$0.70 per page.

This act is similar to SB 1075 (2007) and identical to HB 826 (2007).

ALEXA PEARSON

SPONSOR: Griesheimer

HANDLER: Wood

SB 166 - When using any promotional device or program to advertise or sell any time-share period, plan, or property, the required information, and the notice thereof, must be provided to the prospective purchaser in writing or electronically at least once within a reasonable time period before a scheduled sales presentation to ensure the purchaser receives the information prior to attending such presentation. The required information does not have to be in every advertisement or communication with the prospective purchaser prior to a scheduled sales presentation.

SUSAN HENDERSON MOORE

SPONSOR: Ridgeway

HANDLER: Flook

SB 172 - Current law provides that any member of the Police Retirement System of Kansas City that retires after August 28, 1991 and who is entitled to a pension under the system shall receive a supplemental benefit of fifty dollars monthly, and that any member who retired on or before such date shall receive the same supplemental benefit, upon application to the retirement board for providing service as a special consultant. This act provides that any member of the Police Retirement System of Kansas City who retires due to completing at least twenty-five years of service, due to reaching mandatory retirement age, or who retired before August 28, 2001, due to sustaining a permanent disability, shall receive an equalizing supplemental compensation of ten dollars monthly, upon application to the retirement board for providing service as a special consultant. The supplemental compensation may be adjusted by cost-of-living adjustments as determined by the retirement board no more frequently than annually, but the aggregate of the supplemental compensation and any adjustments thereto shall not exceed twenty-five percent of the base pension of the member. This provision extends to certain surviving spouses of members, or to the estate of a surviving spouse if he or she dies while still entitled to payments under this act.

Additionally, a surviving spouse who is entitled to benefits due to the death of a member of the Police Retirement System of Kansas City before August 28, 2007, shall receive the same equalizing supplemental compensation, upon application to the retirement board for providing service as a special consultant. A surviving spouse entitled to benefits due to the death of a member on or after August 28, 2007, shall receive the equalizing supplemental compensation without application. The surviving spouses' compensation may be adjusted by the retirement board not more frequently than annually, but the aggregate of the supplemental compensation and any adjustments thereto shall not exceed twenty-five percent of the base pension of the surviving spouse.

Current law provides that any member of the Civilian Employees' Retirement System of the Police Department of Kansas City who retires after August 28, 1997, and who is entitled to a pension under the system shall receive a supplemental retirement benefit of fifty dollars monthly. This act extends this benefit to any member of the system who retires after August 28, 2007, with entitlement to a pension under the system, and who either has at least fifteen years of creditable service or retired due to sustaining permanent disability. This provision extends to certain surviving spouses of members, provided that no benefits shall be payable to any surviving spouse unless the death of the member occurred in the line of duty or course of employment, as the result of injury or illness incurred in the line of duty or course of employment, or unless the member had at least fifteen years of service. Surviving spouses of members who died after August 28, 2007, in the line of duty or course of employment shall be entitled to the supplemental retirement benefit regardless of how many years of creditable service the member completed.

Provisions within this act are similar to SB 861 (2006).

ALEXA PEARSON

SPONSOR: Crowell

HANDLER: Tilley

SS/SB 195 - This act allows the State Board of Pharmacy to grant a certificate of medication therapeutic plan authority to pharmacists. This authority will allow pharmacists to accept a prescription order for a medication therapeutic plan and administer the plan if the prescription order is specific to each patient for care by a specific pharmacist. Written protocol from the physician who refers the patient for medication therapy services is required and must only come from a physician and not under any person under a collaborative practice arrangement or supervision agreement.

To earn a certificate the applicant must complete a board approved course of academic clinical study beyond a bachelors of science in pharmacy including clinical assessment skills. The State Board of Registration for the Healing Arts and the State Board of Pharmacy shall promulgate rules regulating prescription orders for medication therapy services.

The act amends the definition of "practice of pharmacy" to include the administration of vaccines by written protocol authorized by a physician and administering medication therapeutic plans and allows for the administration of "viral influenza" vaccines for those over 12 years old.

This act authorizes the Board of Pharmacy to create a "Well-being Committee" to promote early identification, intervention, treatment and rehabilitation of licensed pharmacists who are impaired by illness, substance abuse, or any physical or mental condition. The board may enter into a contractual agreements for the purposes of administering the committee. Information produced by or furnished to the committee shall be confidential unless subject to discovery or introduced as evidence in civil, criminal, or administrative proceedings; it is essential to disclose the information to further treatment; the licensee authorizes the release of the information; the committee is required to report to the board; or the information is subject to a court order.

The board may require a pharmacist to submit himself or herself for identification, treatment, or rehabilitation by the well being committee as a condition to issuing or renewing the pharmacist's license. The board may also enter into a diversion agreement and refer the licensee to the committee in lieu of pursuing disciplinary actions.

The committee must report to the board the name of any licensee who refuses to enter treatment within forty-eight hours following the provider's determination that the pharmacist needs treatment, fails to comply with the terms of the licensees diversion agreement, or resumes the practice of pharmacy before the provider has clearly determined that the pharmacist is capable of practicing according to acceptable and prevailing standards.

This act is similar to HCS/HB 1700, SCS/HCS/HB 1168(2006), and HCS/HB 545 & 590 (2007).
CHRIS HOGERTY

SPONSOR: Mayer

HANDLER: Pollock

HCS/SCS/SB 198 - The act creates the crime of distribution of a controlled substance near a park. It shall be a Class A felony to unlawfully distribute or deliver heroin, cocaine, LSD, amphetamine, or methamphetamine in, on, or within 1,000 feet of a public or private park.

Current law permits the Department of Natural Resources to enter into cooperative agreements with non-profit organizations that provide cooperative, interpretive, or educational services to any one state park. This act adds facility enhancement to the list of permissible activities for a cooperative agreement and allows organizations to provide services to any state park as opposed to just one. The Department may provide incidental staff support to an organization with which the Department has a cooperative agreement, provided the organization reimburses the Department for actual costs of park facility space and staff support as well as demonstrates certain benefits to the state. Proceeds from the sale of any services provided under a cooperative agreement must be used by the organization for interpretive or educational services in state parks.

The act requires that any historic shipwreck materials abandoned for at least 50 years that are located on land beneath navigable waters shall belong to the state. The Department of Natural Resources is given authority to regulate the visitation, study, and salvage of such materials. The act requires the written permission of any affected landowner for access to any such materials.

It shall be a Class B misdemeanor for any individual to fish, hunt, trap, or retrieve wildlife on any private land which is not owned by or in the lawful possession of such individual or on private land where such use is not expressly permitted by the lawful owner or holder of the land. A person who knowingly violates this provision may additionally be subject to the surrender of any hunting or fishing license issued by the Conservation Commission for up to one year. It shall also be a Class B misdemeanor to drive or flush wildlife from any such private land or to shoot wildlife that has been unlawfully driven or flushed from any such private land.

This act contains provisions that are similar to provisions in HB 75 (2007), SB 107 (2007), HB 366 (2007), HB 726 (2007), HB 752 (2007), and HB 912 (2007).

ERIKA JAKUES

SPONSOR: Loudon

HANDLER: Yates

SS/SCS/SB 215 - This act allows for the formation of captive insurance companies within Missouri under certain conditions.

CAPTIVE INSURANCE COMPANIES - This act regulates captive insurance companies. Under the act, captive insurance companies are allowed to apply for a license to provide insurance and annuity contracts to its parent, affiliated, or controlled unaffiliated companies. Captive insurance companies are not permitted to provide personal motor vehicle or homeowner's insurance. A captive insurance company may reinsure worker's compensation of its parent and affiliated companies, provided that this act shall not divest the division of worker's compensation of any jurisdiction over worker's compensation self-insured plans. Captive insurance companies may accept or cede reinsurance. Captive insurance companies that insure life and health risks must comply with all state and federal laws.

LICENSING - The act delineates the process by which a captive insurance company may obtain a license to do business within Missouri (filing of organizational documents, submission of insurance coverages, deductibles, etc., filing of asset information, the overall soundness of its plan of operation, and the filing of other information to determine whether the company will be able to meet its policy obligations).

LICENSE AND RENEWAL FEES - The act requires each captive insurance company to pay the director a \$7,500 fee for examining, investigating and processing the company's application for a license. The act also requires captive insurance companies to pay an annual license fee of \$7,500. Captive insurance companies may deduct the license, renewal fees paid from premium taxes paid to the state (379.1302).

NAMES OF COMPANIES - Under the act, captive insurance companies are prohibited from adopting a name that is likely to be confused or mistaken with an existing company.

MINIMUM CAPITAL AND SURPLUS REQUIREMENTS - The act delineates capital and surplus requirements for captive insurance companies based upon its type of licensure. For example, a pure captive insurance company must maintain a paid-in capital and surplus of at least \$250,000, while an industrial insured captive insurance company must maintain at least \$500,000

Under the act, no dividend can be paid without prior approval from the Director of the Department of Insurance.

FORMATION OF CAPTIVE INSURANCE COMPANIES IN MISSOURI - Under the act, a pure captive insurance company may be incorporated as a stock insurer, as a nonprofit corporation, or as a manager-managed limited liability company. The act delineates what types of corporation forms association and industrial insured captive companies may organize as.

FINANCIAL STATEMENTS/EXAMINATIONS - Under the act, captive insurance companies must annually report their financial condition to the director using generally accepted accounting principles. A captive insurance company will be examined at least once every three years by the director or his or her agent to determine its financial condition, its ability to fulfill its obligations and to whether it has complied with this act and other statutory provisions. The expenses and charges of the examination shall be paid by the captive insurance company. Examination reports and other associated documents are confidential and are not subject to subpoena and may not be made public without the written consent of the captive insurance company.

GROUNDINGS AND PROCEDURES FOR SUSPENSION - The act delineates various reasons that the

SPONSOR: Loudon

HANDLER: Yates

director may suspend or revoke the captive insurance company's license (insolvency, failure to submit an annual report, failure to comply with other laws). The director may suspend or revoke a license if the director deems it in the best interest of the public and the policyholders of such captive insurance company.

LEGAL INVESTMENTS - Under the act, association captive insurance companies must comply with investment requirements contained in Chapter 375 and Sections 379.080 and 379.082 as applicable. No pure captive insurance company shall be subject to investment restrictions. The director may limit investments that threaten the solvency of a pure captive insurance company. In addition to other investment standards and restrictions, pure captive insurance companies may not make a loan to or an investment in its parent company or affiliates without prior written approval of the director.

REINSURANCE - Under the act, captive insurance companies may provide reinsurance and may reinsure risks or portions of risks ceded to reinsurers with prior approval of the director.

RATING ORGANIZATIONS - Under the act, a captive insurance company cannot be required to join a rating organization.

EXEMPTION FROM COMPULSORY ASSOCIATIONS - The act provides that no captive insurance company shall be permitted to join or contribute financially to a plan, pool, association, guaranty, or insolvency fund nor shall a captive insurance company receive any benefits from a guaranty fund.

PREMIUM TAXES - The act sets forth the premium insurance tax rates and time periods in which captive insurance companies must pay. A percentage of the premium taxes, along with other fees and assessments, shall be paid into the Insurance Dedicated Fund to defray costs associated with regulating captive insurance companies.

BRANCH CAPTIVES - The act allows branch captives to be established within Missouri to write insurance or reinsurance. In order to do insurance business within Missouri, the branch captive insurance company must maintain its principal place of business for its branch operations within Missouri. The act also sets forth various reporting and filing requirements for branch captive insurance companies.

SPECIAL PURPOSE LIFE REINSURANCE COMPANIES - This act provides for the creation and operation of special purpose life reinsurance captives (SPLRCs) as a means of facilitating financing of life insurance reserves, annuity reserves, or accident and health reserves and reinsuring the embedded value of insurance business.

The act provides that only the provisions of this act shall apply to SPLRCs, its operations, assets, investments and contracts.

The act requires SPLRCs to apply for a license from the director. The act sets forth the contents of the application. The act sets forth minimum surplus requirements (\$250,000) and other financial requirements.

Under the act, all SPLRCs must file a plan of operation with the director. The plan of operation must contain a description of the contemplated financial transactions and a detailed description of transaction documents to which the SPLRC will be a party.

SPONSOR: Loudon

HANDLER: Yates

The act requires the SPLRC to pay an initial license fee of \$7,500 and an annual renewal fee of \$7,500.

The act sets forth the various standards for granting a license to a SPLRC. The director must find that the plan of operation provides a reasonable and expected successful operation. The director shall consider whether the SPLRC and its management are of known good character and are not affiliated with persons known to have been involved with the improper manipulation of assets, accounts or reinsurance.

The act provides that an SPLRC may be organized as a stock corporation, a statutory close corporation, a LLC or other form of organization approved by the director.

Under the act, SPLRCs may enter into SPLRC contracts with ceding companies under certain conditions. Similarly, a SPLRC may enter into swap agreements.

The act sets forth various regulations regarding SPLRCs with respect to the issuance of securities, the valuing of assets, the payment of dividends, the maintenance of books and records, and their tax treatment.

The act provides that information filed with the director by the SPLRC is confidential unless discoverable in civil litigation under certain circumstances or is disclosed to insurance regulators under certain conditions.

The act also authorizes the director to petition a court for an order of conservation, rehabilitation, or liquidation under certain conditions.

STEPHEN WITTE

SPONSOR: Stouffer

HANDLER: Munzlinger

SS/SCS/SB 225 - This act creates the Hunting Heritage Protection Areas Act. Subject to all applicable state and federal laws, and any local law in effect as of August 28, 2007, the discharge of firearms for hunting, sport, and other lawful purposes shall not be prohibited in hunting heritage protection areas, which are defined as the 100-year floodplains of the Missouri and the Mississippi Rivers as designated by the Federal Emergency Management Agency.

Certain areas are exempt from the act, which are: areas designated as "urbanized areas" according to the 2000 U.S. Census; land used by facilities that are regulated by the Federal Energy Regulatory Commission; land used for the operation of physical ports of commerce and customs ports; land within Kansas City and St. Louis City; and land located within one-half mile of an interstate highway, as such highway exists as of August 28, 2007.

No new tax increment financing (TIF) project may be authorized in a hunting heritage protection area after August 28, 2007, except for the purposes of improving existing flood or drainage protection or for constructing or operating a renewable fuel production facility, provided that no new development results as a result of the projects. TIF projects or districts approved prior to the effective date of this act may make certain modifications.

ERIKA JAUQUES

SPONSOR: Crowell

HANDLER: Stevenson

CCS/SB 233 - This act authorizes Perry County, pending voter approval, to levy a sales tax of up to one-fourth of one percent to equally fund senior services and youth programs. A senior services tax commission must be established to administer the revenue received for senior services. The act clarifies that half of the revenue less half the costs of collection will be used to fund senior services and half of the revenue less half the costs of collection will be used to fund youth programs. The act requires that upon approval of the tax, the county imposing the tax enter into an agreement with the Department of Revenue for collection of the tax.

The act contains ballot language and a procedure for repeal of the tax.

The act requires reimbursement of tax revenues which should have been directed to the community children's services fund of a city if the city diverted such revenues from the fund due to redevelopment programs or TIFs. The act authorizes the City of Gladstone to impose, upon voter approval, a transient guest tax of up to 5% on hotel and motel rooms to be used for the promotion of tourism.

The act authorizes the governing body of Boone County to have exclusive control over the expenditures and operation of a regional recreational district located only in that county on land owned solely by the county. The act also specifies that for plans approved after May 15, 2005, in Boone County, reimbursements in excess of the actual costs must be disbursed to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity, not just the entities in current law. Currently, if a municipality undertakes an industrial development project which was approved after August 28, 2003, the lessee may reimburse the municipality for the actual costs of issuing the bond and administering the plan. Anything reimbursed in excess of the actual costs must be disbursed to each school district, junior college district, county, or city in proportion to its current ad valorem tax levy.

JASON ZAMKUS

SPONSOR: Engler

HANDLER: Pearce

SB 257 - The state, any political subdivision, or any person shall not prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during an emergency.

This act is similar to HB 669 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Scott

HANDLER: Bruns

HCS/SB 270 - This act provides that the POST Commission shall have eleven members, rather than nine. Two members shall be peace officers at or below the rank of sergeant employed by a political subdivision. No two members of the POST Commission shall be employees of the same law enforcement agency.

This act authorizes the Director of the POST Commission to promulgate rules and regulations.

This act is similar to SB 977 (2006), HB 211 (2007) and certain provisions of CCS/HCS/SS/SCS/SB 429 (2007) & HCS/HB 406 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Scott

HANDLER: Wasson

HCS/SCS/SB 272 - This act modifies numerous sections pertaining to professional licensing.

LICENSED VETERANS (Section 41.950)

Licensed interpreters, clinical perfusionists, dietitians, massage therapists, interior designers, acupuncturists, occupational therapists, occupational therapy assistants, tattooists, body piercers, and branders are allowed to renew a license expiring while they are serving in the military, within 60 days from completing their service.

ENDOWED CARE CEMETERIES (Sections 214. 275, 214.340)

Under current law, endowed care cemeteries must file an annual trust fund report with the Office of Endowed Care Cemeteries. This act requires those cemeteries to also provide this report as a prerequisite to license renewal.

LANDSCAPE ARCHITECTS (Sections 327.621, 327.622)

The board overseeing landscape architects is authorized to establish continuing education requirements and authorizes inactive licenses in certain circumstances. License renewal fees are waived for landscape architects over the age of 75.

CHIROPRACTORS (Section 331.030)

The prerequisite education requirements for entering a doctoral course of study in chiropractic are modified.

FUNERAL DIRECTORS AND EMBALMERS (Sections 333.011, 333.121)

The act adds crematory to the definition of funeral establishment. A reference to death certificates that were previously two-sided but are currently one-sided is updated.

PHYSICAL THERAPISTS (Sections 334.610, 334.625)

Currently, all five members of the Advisory Commission for Physical Therapists must be licensed physical therapists. The act changes the membership to include four physical therapists and one physical therapist assistant.

The following individuals may represent himself or herself as a physical therapist:

- Persons in entry level professional education programs approved by the commission under certain circumstances.
- Physical therapists practicing in the U.S. armed services.
- Physical therapists practicing in the U.S. Public Health Services.
- Physical therapists practicing in the Veterans Administration under federal regulations for state licensure for healthcare providers.

The process for filling vacancies on the commission is modified.

PROFESSIONAL COUNSELORS (337.510, 337.503)

State and local agencies, including school districts, are barred from discriminating between licensed professional counselors when promulgating rules or when requiring or recommending services that may legally be performed by licensed professional counselors.

This act modifies reciprocity requirements for professional counselor licenses. Out-of-state licensees are required to be 18 years of age, of good moral character, a U.S. citizen or lawfully present in the U.S. in

SPONSOR: Scott

HANDLER: Wasson

order to be eligible for licensure in Missouri.

PROFESSIONAL COUNSELORS AND SOCIAL WORKERS (Sections 337.528, 337.649)

Complaint procedures and document retention requirements when prisoners file complaints against professional licensed counselors and licensed social workers are modified.

If complaints by prisoners are found to have merit, no further disciplinary action may take place, documentation may not appear on file, and other state licensing boards or national registries may not be notified unless grounds exist for revocation or suspension of the license. Case file documentation shall be destroyed when the committee chooses not to pursue further action.

Licensees subject to meritless claims prior to the effective date of the act may request the committee to destroy documents pertaining to the claim, notify other state licensing boards that the claim was unsubstantiated, and supply the licensee with a letter stating that the claim was unsubstantiated.

Licensees shall not be required to disclose the existence of unsubstantiated claims in relation to the licensing of their profession.

MARITAL AND FAMILY THERAPISTS (Section 337.715)

An out-of-state licensee may be licensed without examination when the other state's requirements are substantially similar to Missouri requirements, the other state verifies that the applicant holds a license, and the applicant consents to examination of disciplinary history.

PHARMACY (Sections 338.035, 338.320)

The act allows for a multi-year license for pharmacy interns in lieu of an annual license. The Board of Pharmacy is authorized to issue and enforce cease and desist orders to quell unauthorized practices.

The board may issue veterinary permits to pharmacies.

REAL ESTATE APPRAISERS (Sections 339.507, 339.513, 339.519, 339.521, 339.525, 339.533)

The act removes the following provisions:

- A provision requiring the Governor to appoint a chairperson to the Missouri Appraiser Advisory Council.
- A provision that requires the executive director to notify commission members of all meetings by certified mail.
- The original commission appointment language and certain requirements for commission members.
- A license equivalency standard for reciprocity.
- A provision allowing the commission to waive continuing education requirements for retired or disabled licensees.

The Real Estate Appraisers Commission shall have subpoena authority and the power to require the licensee to pay costs of proceedings when the commission is the prevailing party.

Licensees shall have two years instead of 1 to renew an expired license. Inactive licenses are authorized.

DEPARTMENT OF SOCIAL SERVICES (Section 660.315)

Schools of nursing and medicine may access employee disqualification lists from the Department of Health and Senior Services.

SPONSOR: Scott

HANDLER: Wasson

This act is similar to SB 666, SB 510, SB 281, SCS/SB 525, SCS/SB 272, SB 158, SB 498, SCS/SB 159, SB 509, SB 523, SCS/SB 526, HB 777, HCS/HB 780, HB 554, HCS/HB 555, HB 779, HB 831, HB 655, HCS/HB 780, HB 829, HB 775, HB 780 (2007).

CHRIS HOGERTY

HCS/SS/SCS/SB 284 - This act authorizes state-issued video service franchising. A video service authorization will be required for a person to provide video services within political subdivisions of the state. In order to receive a video service authorization, a video service provider or incumbent cable operator must file an application with the public service commission and provide notice to the political subdivision to receive the service. Within thirty days of receipt of an application, the public service commission must issue a video service authorization to the applicant. The video service authorization will include a grant of authority to provide service in the political subdivisions set forth in the application and a grant of authority to construct video service networks across or along public rights-of-way.

A person providing video service under a franchise agreement in effect prior to the effective date of the act may: continue to provide services under the provisions of the existing franchise agreement until its expiration; apply for a video service authorization as provided under the act; or if competition exits in the franchise entity served, automatically convert the existing franchise into a state-issued video service authorization upon notice to the public service commission and the affected political subdivision.

Political subdivisions are prohibited from placing any additional requirements upon a person holding a video service authorization other than provided in the act. A person holding a video service authorization must comply with all Federal Communications Commission requirements regarding distribution and notification of emergency messages over the emergency alert system applicable to cable operators.

A video service authorization will terminate upon notice to the public service commission and affected political subdivisions, by the holder of the authorization, that such person will no longer provide service under the authorization.

Political subdivisions are allowed to collect a video service provider fee equal to not more than five percent of the gross revenue from each video service provider providing service in the political subdivision. The video service provider fee shall be the same for all video service providers providing service within the same franchise entity. Video service providers will pay the video service provider fee at the same rate assessed on incumbent cable providers immediately prior to the effective date of the act. Political subdivisions will be allowed to make necessary adjustments to the video service provider fee's rate once a year upon ninety days notice to the video service provider.

The video service provider fee must be paid to each political subdivision served on or before the last day of the month following the end of each calendar quarter. Video service providers may pass the tax and any support required for PEG programming on to customers, provided they are listed as a separate line items on subscriber bills.

Political subdivisions are provided audit authority over video service providers. Political subdivisions may audit video service providers providing service within their respective political subdivisions once per year with the cost of any such audit to be paid by such political subdivision. Law suits arising out of disputes relating to the amount of video service provider fees alleged to be due must be commenced within two years following the end of the quarter to which the disputed amount relates. Failure to file within the two year statute of limitations will result in the payments being deemed to have been made in full.

Political subdivisions are prohibited from employing anyone that is dependent upon the outcome of an audit conducted upon a person holding a video service authorization. Video service providers are not required to retain financial records associated with the payment of video service provider fees longer than

SPONSOR: Griesheimer

HANDLER: Dempsey

three years unless an action has commenced regarding such payment.

Upon ninety days notice, a political subdivision may require certain video service providers to adopt customer service requirements consistent with federal regulations. Video service providers must adopt informal processes for handling customer concerns. In the event an issue is not resolved, the act allows for confidential non-binding mediation with costs to be shared equally among the political subdivision and video service provider. In the case of repeated, willful, and material violations of the customer service standards provided in the act, a franchise entity may file a complaint with the administrative hearing commission on behalf of a aggrieved resident. The decision of the administrative hearing commission may be appealed in court of competent jurisdiction. Franchise entities are prohibited from filing a complaint seeking revocation unless sixty days notice was provided to the video service provider to cure alleged breaches.

The public service commission is required to make annual reports on developments resulting from this act for the next three years. Video service providers are required to indemnify political subdivisions from causes of action resulting from certain acts or omissions of the video service provider.

Video service authorizations are fully transferrable upon notice to the public service commission and affected political subdivisions. Political subdivisions may require up to three channels be designated by a video service provider for public, educational, or governmental (PEG) use dependent upon the population of the franchise entity. Incumbent cable operators will be subject to the provisions of the act regarding designation of channels for PEG use.

Designated PEG channels that are not substantially utilized may be terminated at the video service provider's discretion. Terminated PEG channels will be made available to political subdivisions within one hundred and twenty days of a determination being made by the governing body of such political subdivision that the channel will be substantially utilized. The expense of providing PEG channels shall be the sole responsibility of the political subdivision receiving the benefit of such channels. Political subdivisions must provide transmissions for PEG use in a compatible format for transmission by the video service provider without further alteration.

Video service providers will have the same obligations to support PEG access facilities as the incumbent cable operators. Video service providers are prohibited from discriminating with regard to provision of services based upon race or income. Within three years of providing video service, video service providers must provide at least twenty-five percent of its services to low income households, or within five years, thirty percent of its services must be provided to low income households.

Certain video service providers using telecommunication facilities to provide video service are required to provide service to at least twenty five percent of the households within their service area within three years of providing service under the video service authorization and not less than thirty percent within six years. A video service provider may satisfy the build-out requirements contained in the act through alternative technology if the service, functionality, and content is demonstrably similar to that provided through the provider's video service network. The public service commission may grant waivers or time extensions upon application by a video service provider.

A Political subdivision aggrieved by a video service providers failure to comply with the build-out requirements provided in the act may file suit in a court of competent jurisdiction. If such a court determines that the video service provider has failed to meet build-out requirements, the court may order

SPONSOR: Griesheimer

HANDLER: Dempsey

the video service provider to comply within a reasonable period of time.

The act subjects video service providers to all reasonable police-power based regulations of political subdivisions regarding the placement, screening and relocation of cabinets used for the transmission of video services.

This act is similar to Senate Bill 816 (2006).

JASON ZAMKUS

SPONSOR: Engler

HANDLER: Robinson

HCS/SCS 288 and SB 152 and SCS/SB 115 - This act authorizes the Governor to convey certain state properties in the City of St. Louis and the counties of St. Francois, Texas, Newton, Greene, Livingston, and Pettis.

This act contains an emergency clause.

SUSAN HENDERSON MOORE

SPONSOR: Engler

HANDLER: Schaaf

SB 298 - Currently, each voter in a hospital district votes for six directors, divided among six election districts, with one from each election district. Under this act, in Iron County each voter would vote for one director from the hospital election district in which the voter resides.

This act is identical to HB 895 (2007) and a provision of CCS/HCS/SS/SCS/SB 22 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Purgason

HANDLER: Cooper

CCS/HCS/SCS/SB 299 and SS/SCS/SB 616 - This act modifies provisions relating to liquor control.

SECTION 311.015

This section states that Chapter 311, RSMo, establishes vital state regulation of the sale and distribution of alcohol beverages in order to promote responsible consumption, combat illegal underage drinking, and achieve other important state policies.

SECTION 311.070

This section defines "permanent point-of-sale advertising materials" to include only inside signs, mirrors, and sweepstakes/contest prizes displayed while "temporary point-of-sale advertising materials" include items designed to be used for short periods of time. Additionally, the value of consumer advertising specialties shall not be considered when determining whether distillers, wholesalers, winemakers, and brewers may give or sell any permanent or temporary point-of-sale advertising materials or consumer advertising specialties to a retail business. The total value of all permanent point-of-sale advertising materials provided to a retail business shall not exceed \$500 per calendar year, per brand, per outlet. All permanent point-of-sale advertising materials provided to a retailer shall be recorded and the records shall be kept for three years. The provider of permanent point-of-sale advertising materials shall own and control the use of such materials provided.

Currently, a malt beverage wholesaler or brewer may give a gift of not more than \$1000 per year or sell something of such value to a temporary permit holder. Under this section, a distiller, wholesaler, winemaker, or brewer may only give a gift of not more than \$1000 per year to a temporary permit holder.

Distillers, wholesalers, winemakers, brewers, and retailers may conduct sweepstakes/contests upon a licensed retail premises. The prize dollar amount shall not be limited and can be displayed in a photo, banner, or other temporary point-of-sale advertising material on such premises if: 1) no money or something of value is given to the retailer for the opportunity to conduct the contest; and 2) the prize is not displayed on the premises if its value exceeds the permanent point-of-sale advertising materials dollar limit.

Distillers, wholesalers, winemakers, and brewers participating in the activities of a retail business association may display, serve, or donate its products at or to a convention, pay reasonable dues, pay sponsorship fees, make payments or donations for training on preventative sales to minors and intoxicated persons, checking identifications, age verification devices, and liquor control laws, make contributions of up to \$1,000 per year for transportation services to assist persons from retail establishments to overnight accommodations, donate or serve up to \$500 per event of alcoholic products at association activities, and make reasonable payments for advertising issued by such associations regardless of whether issued at a convention or trade show. Any retail business association that receives payments or donations shall, upon written request, provide the Division of Alcohol and Tobacco Control with copies of relevant records to ensure compliance with these requirements.

This section removes certain requirements that must be met for distillers, wholesalers, winemakers, and brewers to sell their merchandise that is not intoxicating beverages to a retail business. This section allows distillers, wholesalers, winemakers, and brewers to sell or give a permanent outside sign to retailers if certain requirements are met. This section specifies what qualifies as a permanent outside sign at a business and provides that temporary banners will not be construed to be permanent outdoor signs. Such temporary banners may be provided to retailers, but the total cost shall not exceed \$500 per brand.

SPONSOR: Purgason

HANDLER: Cooper

With limited exception, distillers, wholesalers, winemakers, and brewers that are also producers or vendors of nonalcoholic beverages shall not condition the sale of their alcoholic beverages on the sale of nonalcoholic beverages nor combine the sale of its alcoholic beverages with the sale of its nonalcoholic beverages. They may sell, credit, market, and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the Supervisor of Alcohol and Tobacco Control. Equipment or furnishings provided to sell nonalcoholic products shall not be used by the retailer to sell alcoholic products. Such items must be identified by the retailer as being furnished by a licensed distiller, wholesaler, winemaker, or brewer.

Distillers, wholesalers, winemakers, and brewers shall not require any retailer to purchase any intoxicating liquor to the exclusion in whole or in part of intoxicating liquor sold by other distillers, wholesalers, winemakers, or brewers. Also, distillers, wholesalers, winemakers, or brewers shall be allowed to make contributions to a licensed retail liquor dealer that is a fraternal, civic, service, or veterans' organization, in addition to charitable and religious organizations. They may make payments for advertisements of tax-exempt organizations if the total payment made for all such advertisements is the same as that paid by other vendors.

SECTION 311.071

Distillers, wholesalers, winemakers, and brewers may make contributions for special events where alcohol is sold at retail to a not-for-profit organization that does not hold a liquor license if certain qualifications are met. The contributions shall be used to pay special event infrastructure expenses unrelated to any retail alcohol sales. Records of such contributions must be made available to the Division of Alcohol and Tobacco Control.

SECTION 311.174

This section allows certain tax-exempt entities in the Kansas City area located in a building designated as a National Historic Landmark may apply for a license to remain open until 6:00 a.m. of the following day.

SECTION 311.178

This section repeals the expiration date of January 1, 2007, for certain provisions allowing for the issuance of special permits by the Supervisor of Alcohol and Tobacco Control for extended operating hours to resorts serving liquor to overnight guests.

SECTIONS 311.180 & 311.275

These sections create a \$500 annual charge to sell vintage wine to wholesalers. Any vintage wine solicitor may register as the primary American source of supply for vintage wine with the division if another solicitor is not already registered as the primary American source of supply for the vintage wine and the vintage wine has been approved for sale by the federal Alcohol and Tobacco Tax and Trade Bureau.

SECTION 311.185, 311.420, & 311.462

Licensed wine manufacturers may apply for a "wine direct shipper license" from the Supervisor of Alcohol and Tobacco Control (Supervisor). Such license allows a wine manufacturer to ship up to two cases of wine per month directly to a Missouri resident who is at least twenty-one years of age for personal use. The license may be renewed annually.

SPONSOR: Purgason

HANDLER: Cooper

These sections outline the requirements that must be met by wine direct shipper licensees, including limiting the amount of wine to the permitted amount, using licensed carriers, shipping properly registered wine, having a warning that package contains alcohol, submitting to the Division's jurisdiction, and meeting other requirements based on whether the winery is located within or outside of Missouri.

Carriers may apply for a "alcohol carrier license" from the Supervisor. Such license allows a carrier to transport alcohol directly to Missouri residents who are at least twenty-one years of age. These sections outline the requirements that must be met by alcohol carrier licensees, including delivering only to adults who are not intoxicated, requiring proof of age and identity, obtaining an adult signature, and keeping proper records.

The holder of a retailer alcoholic beverage license may ship up to two cases of wine per year to any adult resident of this state.

SECTION 311.190

This section authorizes certain licensed wine manufacturers who allow consumption of wine on their premises to open on Sundays at 9:00 a.m. instead of 11:00 a.m.

SECTION 311.240

If a renewal application for a license is not timely submitted, an additional late charge shall be added. The amount of the fee shall increase the longer it is late but shall not be more than \$300.

SECTION 311.297

This section allows wineries, distillers, manufacturers, wholesalers, or brewers to provide or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises. Samples may be provided conducted off a retail licensed premises if no sales transactions take place. For the purpose of this section, "sales transaction" means an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

SECTION 311.685

Any retail licensee selling liquor or nonintoxicating beer aggrieved by an action of the supervisor of the division affecting the licensee may bring a civil action against any person who is the proximate cause of such official action, if the violation occurred on or about the premises of the retail licensee. If a judgment is entered in favor of the licensee, the court shall award up to \$500 and reasonable court and attorney fees. No civil action shall be brought against the supervisor or the division.

This act is similar to HCS/HB 913 (2007), HB 1058 (2007), SS/SCS/HB 69 (2007), HB 530 (2007), HCS/HB 944 (2007), SB 644 (2007), HB 43 (2007), SB 412 (2007), HB 44 (2007), & HB 81 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Loudon

HANDLER: Pratt

SCS/SB 302 - This act modifies the definition of commercial real estate by including real estate on which no buildings or structures are located and explicitly provides that commercial real estate shall include an unimproved real estate of any zoning classification, other than agricultural or horticultural real estate, being purchased for development or subdivision.

The act provides that the six month statute of limitations for filing a lien shall apply to the labor portion involved with the use of rental equipment while the 60 day time-frame shall apply to the rental equipment value. The act also provides that the five-day written notice of using rental equipment shall not apply to the labor provided by the persons using the rental equipment.

STEPHEN WITTE

SPONSOR: Crowell

HANDLER: Wasson

CCS#2/HCS/SCS/SB 308 - This act modifies laws relating to the practice of licensed professionals.

STATE AGENCIES (Section 37.800)

This section creates the Human Voice Contact Act which requires state agencies to provide callers with the option of speaking to live operators during hours of operation.

CHRONIC KIDNEY DISEASE TASK FORCE (192.632)

This act creates the task force to educate the public and health care professionals about early screenings and other preventative measures and practice techniques.

BOXING, SPARRING, WRESTLING, KICKBOXING, AND FULL-CONTACT KARATE (Sections 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 317.019)

This act modifies laws relating to the power of the Office of Athletics to regulate boxing, sparring, wrestling, kickboxing and full-contact karate contests.

Definitions are modified to include mixed martial arts and amateur and exhibition bouts under the purview of the Office of Athletics' regulatory authority.

The maximum duration for bouts is removed and the mandatory medical suspension is increased from 120 to 180 days when a participant is rendered unconscious.

The act creates guidelines for bout contracts.

Additional censure and probation measures are allowed for licensees under certain circumstances.

PRIVATE INVESTIGATORS (Sections 324.1100, 324.1102, 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122, 324.1124, 324.1126, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1140, 324.1142, 324.1144, 324.1146, 324.1148, 621.045)
The "Board of Private Investigator Examiners" is created within the Division of Professional Registration in the Department of Insurance, Financial Institutions and Professional Registration.

The Board consists of five members appointed by the Governor with the advice and consent of the Senate. Each member must be a U.S. citizen, Missouri resident, at least 30 years old, and actively engaged as a private investigator for at least five years. Board members will serve staggered terms of two years.

The Board of Private Investigator Examiners Fund is also created. The act makes it unlawful for persons to engage in the private investigator business unless licensed. Attorneys, collection agencies, and insurers are exempted from licensure. Application requirements are specified. Licensees must be at least 21, a U.S. citizen, and comply with qualifications set by the Board. Persons must also provide proof of liability insurance of at least \$250,000, and proof of workers' compensation insurance.

The Board shall ensure applicants complete a course of training conducted by a certified trainer; pass a written examination; and submit to an oral interview with the Board. Complete background checks will be conducted on all applicants. The act grandfathers current private investigators and a license will be issued to such persons who show registration and good standing as a business for two years and \$250,000 in business general liability insurance. The Board is given authority to review reciprocity applications. Grounds for denial of licensure are specified.

SPONSOR: Crowell

HANDLER: Wasson

Persons hired by private investigators must apply for agency licenses separately. The act specifies standards for employees of agencies. The act sets continuing education requirements – 16 hours biennially for licensees and 8 hours for employees of agencies.

The Board shall set the fees for licensure. Licenses must be posted in a conspicuous place in the principal place of business of the licensee. Pocket cards will also be issued to licensees. Licenses shall expire two years after issuance and provisions for renewal are provided.

Licensees may divulge to the Board, law enforcement officers, or a prosecuting attorney information acquired as to any criminal offense. Licensees are prohibited from: knowingly making a false report; causing a report to be submitted that the licensee has not exercised due diligence in ascertaining the facts; giving the impression that the licensee is connected with the federal or state government or any political subdivision; appearing as an assignee in any proceeding; manufacturing false evidence; or creating a video of any person in their home without that person's permission.

Restrictions on record keeping and advertising are specified. License disciplinary procedures are specified. The Board is given rulemaking authority.

The Board shall certify qualified trainers of private investigators. Persons who knowingly falsify fingerprints or photographs required to be submitted is a Class D felony. Violation of other provisions is a Class A misdemeanor unless it is a second or subsequent violation in which case it is a Class D felony.

Provisions for licensure of current law enforcement officers and limitations on their conduct are specified.

ARCHITECTS, ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS (Sections 327.011, 327.076, 327.077, 327.181, 327.441)

The act authorizes the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects to impose civil penalties against licensed and unlicensed persons. Any person who practices architecture, engineering, land surveying or landscape architecture without a valid license may be subject to an administrative action by the board to seek a civil penalty. The board may initiate investigations against the unlicensed person and may issue subpoenas to compel attendance and testimony of witnesses.

The complaint must be filed with the Administrative Hearing Commission, which shall conduct a hearing and issue its findings of fact and conclusions of law. The duties of the commission are amended to include the ability to hear such cases. If the commission finds the unlicensed person has violated this act, then the board may issue a civil penalty not to exceed \$5,000 for each day of violation, with a maximum penalty of \$25,000. The unlicensed person has the right to appeal the order imposing the fine to a circuit court. Once the case is final, and the penalty is not timely paid, the Attorney General may commence an action to recover the penalty, including reasonable attorney fees and costs and a surcharge of 15% of the penalty plus 10% per year on any amounts owed. The validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

An unlicensed person may use a form of the word "engineer" without being subject to disciplinary action if the use is reflective of that person's profession and does not imply that the person is holding himself or herself out as being a professional engineer.

SPONSOR: Crowell

HANDLER: Wasson

CHIROPRACTORS (331.010)

The "practice of chiropractic" is redefined in reference to methods commonly taught in any chiropractic college or chiropractic program in a university accredited by the Council on Chiropractic Education.

BOARD OF REGISTRATION FOR THE HEALING ARTS (334.120)

Currently, 5 board members must be graduates of professional schools approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education. This act requires at least 5 members to be graduates of professional schools accredited by the Liaison Committee on Medical Education or recognized by the Educational Commission for Foreign Medical Graduates.

NURSES (335.016, 335.036, 335.066, 335.067, 335.068, 335.076, 335.096, 335.097, 383.130, 383.133)

The act defines "lapsed license status", "retired license status", and "temporary nursing staffing agency" and establishes notice and service requirements for disciplinary hearings before the full board.

The State Board of Nursing may establish an impaired nurse program and require nurses to enter treatment as a condition for licensure.

The State Board of Nursing may request an expedited hearing from the Administrative Hearing Commission, if the board concludes the nurse has committed an act constituting clear and present danger to the public health and safety. After 15 days from the complaint, and after a preliminary hearing, the board may immediately restrict or suspend the license. Temporary authority to restrict or suspend the license becomes final if the nurse does not request a full hearing within thirty days. Dismissal of the action does not preclude subsequent action on the same grounds.

Documentation relating to an unsubstantiated claim and those not constituting a violation are deemed sealed records under the act. Sealed records shall not be disclosed without written permission of the licensee. The board must notify the licensee if it seals any records in relation to that professional.

Advanced Practice Registered Nurses are authorized to use the acronym APRN in relation to their practices.

The act stipulates that reports made to the board are not in violation of the Federal Health Insurance Portability and Accountability Act.

Under current law, officials of hospitals and ambulatory surgical centers must report disciplinary actions taken against a licensed health care professional to their respective licensing authority. This act requires temporary nursing staffing agencies to do the same and requires the facts to be described with as much detail and information as possible.

BOARD OF NURSING (Section 335.212)

This act redefines the term "qualified employment" for the purposes of the nursing student loan program to include employment in any agency in an area of need, instead of restricting the definition to public or nonprofit agencies.

OPTOMETRISTS (Sections 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.140, 336.160, 336.220, and 336.225)

SPONSOR: Crowell

HANDLER: Wasson

The act Modifies the definition of "the practice of optometry" and relocates provisions relating to the scope of practice found in other sections into this definition.

The act allows for reciprocity for out-of-state licensees. The act raises the continuing education requirements from 8 hours annually to 32 hours within a two year period.

The 30 day notice requirements for board meetings is removed.

Optometrists who are only authorized to administer diagnostic pharmaceutical agents shall refer patients to a physician under certain circumstances.

Advertising is allowed for all optometrists as long as the name of the licensee is displayed at all practice locations.

SOCIAL WORKERS (Sections 337.600, 337.603, 337.604, 337.612, 337.615, 337.618, 337.622, 337.627, 337.630, 337.636, 337.643, 337.644, 333.645, 337.646, 337.653, 337.665, and 337.689) Currently, clinical and baccalaureate social workers are licensed. This act expands licensing to two additional groups: advanced macro social workers and master social workers.

Applicants for licensure as a clinical social worker must complete 3,000 hours of supervised clinical experience with a qualified clinical supervisor instead of a licensed clinical social worker.

All licensees shall complete 3 hours in ethics presented by a social worker with a degree.

The act differentiates between the four types of licensure as follows:

CLINICAL SOCIAL WORKER REQUIREMENTS

- Master's degree from a program accredited by the council of social work education or a doctorate from a program acceptable to the committee.
- 3,000 hours supervised clinical experience with a qualified clinical supervisor.
- Passing score on an approved exam.
- 18 years old, of good moral character, a U.S. citizen or legally present, and free of felony convictions during the 10 years prior to application.

MASTER SOCIAL WORKER REQUIREMENTS

- Master's or doctorate degree from a program accredited by the council of social work education.
- Passing score on an approved exam.
- 18 years old, of good moral character, a U.S. citizen or legally present, and free of felony convictions during the 10 years prior to application.

ADVANCED MACRO SOCIAL WORKER REQUIREMENTS

- Master's degree from a program accredited by the council of social work education or a doctorate from a program acceptable to the committee.
- 3,000 hours supervised clinical experience with a qualified macro supervisor.
- Passing score on an approved exam.
- 18 years old, of good moral character, a U.S. citizen or legally present, and free of felony convictions during the 10 years prior to application.

BACCALAUREATE SOCIAL WORKER REQUIREMENTS

- Baccalaureate degree from a program accredited by the council of social work education.
- 3,000 hours of supervised clinical experience with a qualified baccalaureate supervisor.
- Passing score on an approved exam.

SPONSOR: Crowell

HANDLER: Wasson

- 18 years old, of good moral character, a U.S. citizen or legally present, and free of felony convictions during the 10 years prior to application.

MARITAL AND FAMILY THERAPISTS (Sections 337.700, 337.715, and 337.718)

This act expands the definition of marital and family therapy to include the diagnosis of behavior and intrapersonal or interpersonal dysfunctions within the context of marital and family systems.

The act includes additional requirements for licensees including a minimum of three semester hours of graduate course work in diagnostic systems and supervised diagnosis education as a core component of postgraduate supervised clinical experience.

Continuing education requirements may be set by rule and may be waived upon a showing of illness or other good cause.

REAL ESTATE BROKERS AND AGENTS (Sections 339.100, 339.200, 339.205)

The Real Estate Commission is authorized to impose civil penalties upon licensed and unlicensed individuals in the same manner described in the above sections relating to architects, engineers, land surveyors, and landscape architects.

AUDIOLOGISTS (Sections 345.015, 345.030, 345.033, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110)

The act adds fitting, programming, and dispensing of assistive listening devices and other amplification systems to the definition of the practice of audiology.

Licensed audiologists who sell devices shall deliver a purchase agreement to the purchaser containing information including the terms of the sale, name of the manufacturer, make, model, whether the item is used and other details.

Under current law, hearing instrument retailers must employ a licensed hearing aid specialist. Under the act, the retailers may employ a licensed audiologist in lieu of a specialist.

The act also phases in education requirements for applicants for instrument specialist licenses or hearing instrument specialist-in-training permits.

This act is similar to SB 600 (2003), SB 750 (2004), SB 493 (2005), SB 278 (2005), HB 503 (2005), SB 687 (2006), SB 1018 (2006), SB 1411 (2006), SB 798 (2006), SB 1032 (2006), SB 710 (2006), SB 841 (2006), HB 914 (2007), HB 776 (2007), HB 1036 (2007), HB 117 (2007), HB 815 (2007), HB 988 (2007), HB 310 (2007), HB 657 (2007), SB 527 (2007), SB 10 (2007), SB 31 (2007), SB 173 (2007), HB 780 (2007), SB 524 (2007), HB 833 (2007), HB 233 (2007), SB 513 (2007), HB 749 (2007), SB 542 (2007), SB 333 (2007), SB 577 (2007), SB 677 (2007), HB 1084 (2007), HB 830 (2007), HB 953 (2007), SB 584 (2007), HB 399 (2007), SB 485 (2007).

CHRIS HOGERTY

SPONSOR: Clemens

HANDLER: Quinn

HCS/SS/SCS/SB 320 - This act transfers administration of the Large Animal Veterinary Medicine Loan Repayment Program from the Missouri Veterinary Medical Board to the Department of Agriculture. The number of veterinarians to whom repayment can be granted each year is increased from five to six and the number of years an individual must agree to work in an area of defined need is decreased from five to four. The maximum amount of loan repayment that may be paid on behalf an individual per year of service is increased from ten thousand to twenty thousand dollars.

The act creates the Large Animal Veterinary Student Loan Program, which makes loans available to a maximum of six eligible students per year at the College of Veterinary Medicine at the University of Missouri-Columbia. A student may receive loan funding for each year he or she remains in good standing at the College, up to a maximum of \$80,000. Loan principal and interest shall be forgiven provided the loan recipient practices large animal veterinary medicine in underserved areas of the state as determined by the Department.

The director of the Department shall appoint an advisory panel to make recommendations regarding the administration of both the Large Animal Veterinary Medicine Loan Repayment Program and the Large Animal Veterinary Student Loan Program. The advisory panel shall consist of three licensed veterinarians, the dean of the College of Veterinary Medicine, and a public member representing the agricultural sector.

The act creates the Large Animal Veterinary Student Loan Payment Fund into which all funds appropriated and donated for the Large Animal Veterinary Student Loan Program shall be placed. Monies in the fund may be used for the student loans as well as for any necessary cost incurred by the Department to administer the loan program.

The Large Animal Veterinary Student Loan Program shall expire on June 30, 2013.
ERIKA JAQUES

SPONSOR: Engler

HANDLER: Cooper

HCS/SB 322 - This act modifies several provisions relating to construction-related activities.

Under this act, the Second State Capitol Commission is allowed to control copyrights and trademarks for any photograph, written work, art object, or any product created on the Capitol or Capitol grounds by granting access or use of the work. Any money received must be deposited into the Capitol Commission Fund to be used for repairs, refurbishment, or creation of decorations or adornments for the Capitol or its grounds. The act renames the Division of Facilities Management to the Division of Facilities Management, Design, and Construction and expands its responsibilities to include the supervision of any design, construction, renovation, or repair of state facilities. An open bidding process will be used for all projects in excess of \$100,000. For projects costing between \$25,000 and \$100,000, a minimum of three contractors must be solicited with the contract awarded to the lowest, responsive, responsible bidder.

This act further modifies other provisions relating to construction-related activities by extending the commercial zone surrounding the City of St. Louis 25 miles beyond its city limits. The current law extends the commercial zone 18 miles beyond the St. Louis city limits. The act further extends the commercial zone throughout St. Charles County. The act also establishes a commercial zone east of the city limits of Missouri City along state route 210 and northwest from the intersection of state route 210 and state route 10 to include the boundaries of Excelsior Springs.

STEPHEN WITTE

***** SB 339 *****

SPONSOR: Mayer

HANDLER: Fisher

SCS/SB 339 - This act prohibits the state, or any agency or instrumentality of the state from requiring, or prohibiting, bidders from entering into agreements with labor organizations when entering into contracts for the construction of public projects funded by more than fifty percent by the state. Discrimination against bidders for such contracts based upon a bidder's affiliation with a labor organization is also prohibited. The state or any agency or instrumentality of the state may not issue grants or enter into cooperative agreements for construction projects, a condition of which requires any of the above elements.

The act provides conditions upon which the state or a political subdivision may enter into a union-only project labor agreement. The intent to enter into a union-only project labor agreement shall be published in a document titled "Intent to Enter Into a Project Labor Agreement". A public hearing must be conducted on whether to require a union-only project labor agreement. The finding is appealable to the Labor and Industrial Relations Commission.

The act bars contractors and subcontractors from receiving subsidies, supplements, or rebates if the practice reduces the wage rates paid by the employer on a given occupational title below the prevailing wage rate. Violators are liable to the public body double the dollar amount per hour that the rebate reduced the wage rate below the prevailing wage. If a subsidy, supplement, or rebate is legally provided the entity receiving the subsidy, supplement, or rebate shall report the date and amount of each. The disclosure report is a matter of public record.

The act repeals language requiring contractor's bonds to include provisions guaranteeing faithful performance of the prevailing wage clause provided by contract.

Currently, contractors in violation of the prevailing wage law are penalized \$10 per each workman employed during the violation. This act raises that penalty to \$100. The act provides a dispute process for prevailing wage violations and allows the employer to pay back wages for violations in order to avoid the monetary penalty for the violation.

This act is similar to SB 291 (2005) and SB 849 (2006).

CHRIS HOGERTY

***** SB 352 *****

SPONSOR: Clemens

HANDLER: Ruzicka

SB 352 - This act adds vehicles driven by law enforcement agents of the Department of Conservation to the list of vehicles considered "emergency vehicles."

ERIKA JAKUES

***** SB 376 *****

SPONSOR: Griesheimer

HANDLER: Wood

CCS/HCS/SB 376 - Under this act, any school district that cancelled classes or dismissed classes early for weather-related reasons for any of its schools for any days from January 11, 2007, to January 22, 2007, shall not be required to make up the days or hours lost during such time. The requirement for scheduling two-thirds of the missed days into the next year's calendar under subsection 1 of section 171.033 shall be waived for the 2007-2008 school year.

This act extends the expiration date from June 30, 2010 to June 30, 2015 for the Division of Tourism Supplemental Revenue Fund.

This act has an emergency clause.

This act is similar to HB 205 (2007) & HCS/HB 678 (2007).

SUSAN HENDERSON MOORE

***** SB 384 *****

SPONSOR: Coleman

HANDLER: Daus

HCS/SCS/SB 384 - This act modifies the stolen license plate tabs procedure for obtaining free tabs from the Department of Revenue. Under current law, a person replacing stolen license plate tabs may receive two sets of two license plate tabs for free if the person submits a police report with the application. This act would modify the procedure by requiring any person replacing stolen license plate tabs issued prior to January 1, 2009, to submit a notarized affidavit to that effect. For persons replacing stolen license plate tabs issued on or after January 1, 2009, the person will have to submit a police report with his or her application.

This act also provides that license plates may be encased in transparent covers so long as the plates are plainly visible and their reflective qualities are not impaired. This provision is identical to SB 105 (2007).

This act has an emergency clause.

STEPHEN WITTE

SPONSOR: Nodler

HANDLER: Bearden

SS#6/SCS/SB 389 - This act modifies a number of provisions regarding higher education and the powers of the Missouri Higher Education Loan Authority (MoHELA).

JOINT COMMITTEE ON EDUCATION - Section 160.254 - This act modifies the responsibilities of the Committee. Currently, it is within the discretion of the Committee as to how often it meets. This act requires the Committee to meet at least twice a year. The Committee is charged with monitoring, studying, and analyzing the higher education system in the state, as well as monitoring the establishment of performance measures required by this act and reporting on such measures to the General Assembly and the Governor. In addition to current state agencies, the act authorizes the Committee to make requests of the Department of Economic Development. Within three years, the Committee shall review the impact of the newly created higher education funding act and review a new model for the funding of higher education institutions.

MISSOURI TEACHING FELLOWS PROGRAM - Sections 168.700 and 168.702 - This act creates the Missouri Teaching Fellows Program. Under the provisions of this act, certain qualified graduates of Missouri public higher education institutions who are hired to teach in school districts that are not classified as accredited may enter into an educational loan repayment agreement with the Department of Higher Education. For students without educational loans, the act authorizes the issuance of a stipend.

For each of the first four years that an applicant teaches in a qualifying district, up to one-fourth of the applicant's educational loans, not to exceed \$5,000 per year, shall be repaid. For students without educational loans, a stipend of up to \$5,000 may be issued. At the conclusion of the fifth academic year that an applicant teaches in a qualifying district, an amount equal to \$1,000 shall be granted to the applicant. The maximum amount of \$5,000 and the \$1,000 stipend shall be adjusted annually based upon the Consumer Price Index.

The Department of Higher Education shall promulgate rules to enforce the provisions of this act, including, but not be limited to: applicant eligibility, selection criteria, and the content of loan repayment contracts. The department shall create and maintain a coordinator position who shall be responsible for identifying, recruiting and selecting potential students for the program.

The act establishes the "Missouri Teaching Fellows Program Fund" in the state treasury.

The provisions of these sections sunset in six years.

The provisions of these sections are similar to SB 443 (2007).

RECORDS OF DONORS TO THE UNIVERSITY OF MISSOURI - 172.950 - This act authorizes the curators of the University of Missouri to close certain financial, legal and tax records of a donor or potential donor.

This section is identical to SB 572 (2007) and HB 941 (2007).

TRANSFER OF CREDITS - 173.005.1(7) - In order to receive increases in state appropriations, Two- and four-year institutions must work with the Commissioner of Higher Education to establish agreed-upon competencies for certain entry-level courses. The Coordinating Board for Higher Education shall establish policies to ensure that such courses are accepted in transfer among public institutions.

SPONSOR: Nodler

HANDLER: Bearden

INSTITUTIONS DISREGARDING BOARD POLICY - SECTION 173.005.1(10) - If an institution willfully disregards a Coordinating Board policy, the commissioner may order the institution to remit a fine not to exceed one percent of the institution's current state appropriation to the board. The board shall hold the funds until such time as the violation is corrected. If the violation is not corrected within a year, the fine amount shall be deposited into the general revenue fund. The institution may appeal to the full coordinating, which shall make a binding and final decision.

OUT-OF-STATE PUBLIC INSTITUTIONS - 173.005.2(11) & 173.616 - Currently, the Coordinating Board issues certificates of approval to operate within this state to certain out-of-state public higher education institutions that meet certain minimal standards. This act exempts such institutions, as of July 1, 2008, from certificates of approval. The act requires the Coordinating Board to hold out-of-state public higher education institutions to criteria similar to those required of public in-state higher education institutions in order for such institutions to operate within this state. The Coordinating Board shall promulgate rules for the implementation of section 173.005.2 (11) no later than July 1, 2008.

ACTUAL AWARDS OF ASSISTANCE - 173.093 - Any award of assistance, excluding student loans and awards based solely on academic performance, shall be reduced to ensure that no student receiving state need-based shall receive financial assistance that exceeds the student's cost of attendance. Institutions must, upon request from the department of higher education, provide financial information to determine compliance with this section. An institution that accepts financial assistance in excess of the cost of attendance must refund the excess to the Coordinating Board.

BINDING DISPUTE RESOLUTION - 173.125 - The act requires that every public institution of higher education submit to binding dispute resolution with regard to disputes among institutions of higher education that involve jurisdictional boundaries or the use or expenditure of any state resources whatsoever, as determined by the coordinating board. In all cases, the arbitrator shall be the Commissioner of Higher Education or a designee, whose decision shall be binding on all parties. Any institution aggrieved by a decision of the commissioner may appeal the decision to the full Coordinating Board, which shall have the authority to make a binding and final decision regarding the matter.

BRIGHT FLIGHT SCHOLARSHIPS - 173.250 - This act increases the amount of the "Bright Flight" scholarships from \$2,000 to \$3,000 beginning with fiscal year 2011. Currently, only students with test scores in the top three percent of certain standardized tests qualify for the scholarship. Beginning with fiscal year 2011, students with test scores between the top five percent and the top three percent qualify for a scholarship of \$1,000.

MoHELA AUTHORIZATION REGARDING THE DISTRIBUTION OF ASSETS TO THE LEWIS AND CLARK DISCOVERY FUND - 173.355 to 173.425 - This act grants MoHELA the ability to transfer assets of the authority to the newly created Lewis and Clark Discovery Fund. The term "asset" is defined in the act. The act requires MoHELA to distribute \$350 million of assets of the authority to the fund not later than September 30, 2013, in increments delineated in the act. Moneys in the fund may be appropriated by the general assembly but only for the purpose of funding for capital projects at public colleges and universities and funding for the Missouri Technology Corporation's ability to work with colleges and universities in identifying opportunities for commercializing technologies. Any college or university that knowingly employs a registered sex offender shall be ineligible for funds for capital projects.

Once MoHELA makes an initial distribution of \$230 million to the fund, the department of economic

SPONSOR: Nodler

HANDLER: Bearden

development shall allocate a percentage of the state ceiling for private activity bonds to MoHELA for at least the next fifteen years. The percentage shall be at least 1.5% less than the average percentage of MoHELA's allocation for calendar years 2005 and 2006. If MoHELA fails to complete its total distribution of assets to the fund by September 30, 2013, the dollar amount of the ceiling received by MoHELA shall be reduced by the percentage of the \$350 million not yet distributed by MoHELA to the fund.

MoHELA is granted the power to issue bonds in order to fulfill its obligations regarding the transfer of assets to the fund. Further, MoHELA may create or invest in financial aid programs that provide grants and scholarships to students.

Proceeds of the authority shall not be utilized for the payment of debts. Also, the act provides immunity from personal liability for members of MoHELA who act or votes on any contract authorized by this section.

FACULTY POSITIONS AT PUBLIC HIGHER EDUCATION INSTITUTIONS - 173.475 - A public college or university shall not reject an applicant for a faculty position based solely on the lack of a graduate degree if the applicant has an undergraduate degree and has served at least eight years in the General Assembly.

HIGHER EDUCATION STUDENT FUNDING ACT - 173.1000 to 173.1006 - Beginning with the 2008-2009 academic year, each public institution must submit its percentage increase in the amount of tuition from the current year to the upcoming year charged to a full-time resident undergraduate to the Coordinating Board by July first preceding the upcoming academic year. For institutions whose tuition is greater than the average tuition, the percent change in tuition cannot exceed the percent change of the consumer price index over the past year or zero, whichever is greater. For institutions whose tuition is less than the average tuition, the dollar increase in tuition cannot exceed the product of zero or the percent change in the consumer price index, whichever is greater, times the average tuition.

If the tuition increase exceeds the limits set forth in this act, then such institution must remit to the board an amount equal to 5% of its current year state appropriation, which shall be deposited into the general revenue fund, unless the institution asks for a waiver within 30 days. If an institution exceeds these limits, then such institution must remit to the board an amount equal to 5% of its current year state appropriation, which shall be deposited into the general revenue fund, unless the institution asks for a waiver within 30 days. The commissioner shall determine if the waiver is warranted. If not, the commissioner shall recommend to the full board that the waiver not be granted, and the coordinating board shall make a final and binding decision.

The provisions of this section regarding tuition increases do not apply to a community college unless the college's tuition is greater than or equal to the average tuition.

The Coordinating Board shall ensure that each public higher education institution makes pertinent information regarding course offerings and instructors available on its Internet website.

The act requires that certain performance measures must be established by July 1, 2008. There shall be two institutional measures negotiated by each institution and three state-wide measures developed by the Department of Higher Education.

SPONSOR: Nodler

HANDLER: Bearden

ACCESS MISSOURI FINANCIAL ASSISTANCE PROGRAM - 173.1101 to 173.1108 - The Coordinating Board shall be responsible for the implementation of this program, including determining the criteria for eligibility of applicants and selecting qualified recipients to receive financial assistance. Renewals for assistance are based on an annual evaluation of the applicant's expected family contribution. Changes in such contribution may increase or decrease the amount of assistance to an applicant. The act creates the "Access Missouri Financial Assistance Fund" to receive moneys that shall be used solely to provide financial assistance to students.

Assistance is only available to an applicant who is: A U.S. citizen or permanent resident; a Missouri resident; enrolled, or will enroll, as a full-time student in an approved public or private institution; and not intending to obtain a degree in theology or divinity. Applicants who commit criminal offense while in the program are ineligible for renewal, if the offense would disqualify the applicant from receiving federal student aid. In order to renew assistance, the applicant must demonstrate a grade point average of 2.5 on a 4.0 scale.

The maximum and minimum amounts of awards depend on the type of school: \$300 to \$1,000 for public two-year institutions; \$1,000 to \$2,150 for public four-year institutions; and \$2,000 to \$4,600 for private institutions. The actual award may increase or decrease depending on the expected family contribution. If appropriated funds are insufficient to fund the program, the maximum award shall be reduced across all types of institutions. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used to increase the number of recipients. The award amounts shall be adjusted every three years based on the consumer price index.

Any other assistance received by the student shall be reported to the Coordinating Board by the institution and the student. A recipient of financial assistance may transfer between approved institutions without losing eligibility, and the Coordinating Board shall make any adjustments to the amount of assistance.

The provisions of the Access Missouri Financial Assistance Program shall sunset in six years.

GALLAGHER STUDENT FINANCIAL ASSISTANCE PROGRAM AND COLLEGE GUARANTEE PROGRAM - Sections 173.200 to 173.230, 173.810 to 173.830 and 313.835 - The act repeals both of these programs and directs that certain gambling boat boarding fee revenue that currently goes to the Missouri College Guarantee Fund be instead deposited into the Access Missouri Financial Assistance Program.

LAND CONVEYANCE IN NODAWAY COUNTY - Section 1 - This act authorizes the board of regents of Northwest Missouri State University to convey property owned in Nodaway County.

Provisions of this act is similar to HCS/SS/SCS/SB 590 (2006), SB 1142 (2006), SB 662 (2006) and SB 128 (2007).

JIM ERTLE

SPONSOR: Stouffer

HANDLER: Schaaf

SCS/SB 397 - This act modifies provisions relating to applications for long-term care facilities by no longer requiring either affidavits under oath or certified copies of a specified document. This act requires that the applicant attest by signature that the statements in the specified documents are true and correct.

ADRIANE CROUSE

SPONSOR: Crowell

HANDLER: Wallace

CCS#2/HCS#2/SB 406 - This act:

Allows disbursements from a County Employees' Retirement System defined contribution account if a member's account balance is one thousand dollars or less upon separation from employment, rather than if the balance is five thousand dollars or less, as is provided in current law. Section 50.1250.

Currently, members who retire from the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City are entitled to a supplemental retirement benefit of \$50 per month in addition to the base benefit and cost-of-living increases. This bill specifies that any member who retires due to completing at least 25 years of service, reaching mandatory retirement age, or sustaining a permanent disability forcing him or her to retire prior to August 28, 2001, will receive a monthly equalizing supplemental compensation of \$10. The supplemental compensation may be adjusted by cost-of-living increases annually, but the aggregate of both cannot exceed 25% of the member's base pension. The term "member" includes the surviving spouse of a member who qualifies under this provision. Sections 86.1230 and 86.1600.

Provides that any condition of cancer which affects certain bodily systems, as well as any condition of cancer which may result from exposure to heat or radiation or to a known or suspected carcinogen, as determined by the International Agency for Research on Cancer, shall be presumed to be suffered in the line of duty for the purposes of computing retirement benefits for firefighters, unless the contrary is shown by competent evidence and it can be proven to a reasonable degree of medical certainty that the condition did not result nor was contributed to by the voluntary use of tobacco. Section 87.006.

Within the city of Springfield, provides that if the political subdivision fails to make one hundred percent of its actuarially required contribution to any city retirement plan for three successive plan years with a descending funded ratio for three successive plan years, the governing body of the city is authorized to impose a sales tax upon all sales in the city, not to exceed one percent, for the purpose of providing revenues for the operation of public safety departments, including police and fire departments, and for pension programs and health care for employees and retirees of such departments. This tax shall not be effective unless submitted to and approved by voters within the city. If the tax is not approved by voters, the city shall have an additional year beyond the five-year period described in section 105.683, RSMo, in order to make its required contribution before the penalties in said section shall apply. The Director of the Department of Revenue shall be responsible for the collection, administration, enforcement, and operation of the tax. Revenues from the tax shall be deposited into the "Public Safety Protection Sales Tax Fund", as established for the purposes provided herein, except for one percent of the revenue for the cost of collection, which shall be deposited into the state's general revenue fund. The governing body of any city that has adopted such a tax may submit the question of repeal of the tax to the voters on any date available for elections for the city, but shall submit this question no less than every five years from the date of inception of the tax. Residents of the city may also call for an election to repeal a tax created under this amendment by delivering a petition signed by no less than two percent of the registered voters in the city to the city's governing body. Section 94.579.

Provides that the board of the Missouri Consolidated Health Care Plan (MCHCP) is required to offer all qualified state employees and retirees, in addition to the plans currently offered including but not limited to health maintenance organization plans, preferred provider organization plans, and copay plans, the option of receiving health care through a high deductible health plan and the establishment of a health savings account, in conformation to guidelines established by the Internal Revenue Service. In order for qualified individuals to obtain a high deductible health plan through MCHCP, the individual must present

SPONSOR: Crowell

HANDLER: Wallace

evidence to the board that he or she has established a health savings account in compliance with federal law. Section 103.080.

Provides that qualifying dependents of members of the MCHCP may elect to continue medical coverage, as long as the individuals to be covered have been continuously covered within 60 days of a loss of group coverage, and such coverage was in place for at least 12 months prior to the loss, and the loss was due to the dependent's termination of employment or termination of group coverage by the employer. Also corrects numerical statutory references. Section 103.085(4).

Adds language that would allow the board of trustees of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS) to promulgate rules necessary to accommodate any change in the state payroll system as it relates to how final average compensation is calculated for purposes of determining a retirement benefit. Section 104.010(7).

Changes the required hours for benefit eligibility under the definition of "employee" from 1000 to 1040 hours to be consistent with the personnel advisory board rules. Section 104.010.1(20)(a).

Provides that a retiree is not an employee, changes the required hours for benefit eligibility from 1000 to 1040 hours, and further requires that legislative employees who are employed on or after August 28, 2007, be treated like all other state employees with regards to retirement eligibility. Section 104.010.1(20)(b).

Changes the "Highways and Transportation and Highway Patrol Employees' Retirement System" to the "Missouri Department of Transportation and Highway Patrol Employees' Retirement System" (MPERS) in order to reflect the most recent name change, and modifies the definition of a member for MPERS and the Missouri State Employees' Retirement System (MOSERS) to mean an employee, retiree, or former employee entitled to a deferred annuity covered by the plan. Section 104.010(27).

Changes the "Highways and Transportation and Highway Patrol Employees' Retirement System" to the "Missouri Department of Transportation and Highway Patrol Employees' Retirement System" in order to reflect the most recent name change. Section 104.010(36).

Adds language to allow MOSERS to pay benefits under a benefit plan subject to limitations under Section 415(m) of the Internal Revenue Code, regarding qualified governmental excess benefit arrangements. Section 104.010.2.

Current law allows uniformed members of the highway patrol to purchase, prior to retirement, up to four years of creditable service for any time such person served as a non-federal full-time public employee in this state prior to becoming a member of the system. This act extends the aforementioned provision to every member of MPERS, which includes each employee of the highways and transportation commission, each uniformed member of the highway patrol, and each civilian or non-uniformed employee of the state highway patrol. Further, the act removes a provision requiring the filing of an affidavit stating that the member is not receiving credits or benefits from any other public plan for the service to be purchased. Section 104.040.6.

Provides that all such creditable service payments by MPERS members must be completed prior to retirement or termination of employment. If a member who purchased creditable service dies prior to retirement, the surviving spouse may, upon written request, receive a refund of the amount contributed

SPONSOR: Crowell

HANDLER: Wallace

for such purchase of such creditable service, provided that the surviving spouse is not entitled to receive survivorship benefits as described in section 104.110, RSMo. Also, a member who is entitled to a deferred annuity under section 104.035 shall be ineligible to purchase service under this act. Section 104.040.6.

Provides that there shall be two retirees on the board of trustees for the MPERS retirement system, rather than one, in addition to board members provided in current law. One retiree shall be elected by the retired employees of the transportation department and the other shall be elected by the retired employees of the civilian or uniformed highway patrol. The retiree serving on the board on August 28, 2007, shall continue to serve on the board as a representative of the retired employees of the transportation department until June 30, 2010. An election shall be held before January 1, 2008 for the retiree to be elected by the retired employees of the civilian or uniformed highway patrol; such term shall begin January 1, 2008, and expire on June 30, 2010. All terms of elected retired employees shall be for four years after June 30, 2010. Section 104.160.

Provides that the monthly amount to be paid pursuant to an order for division of benefits under MOSERS shall be adjusted proportionately if the member's annuity has been reduced due to certain annuity options available under Section 104.395, 104.090, or 104.1027, in which the member named the alternate payee as a beneficiary prior to the dissolution of marriage. Sections 104.312.1(3) and 104.1051.1(3).

Current law provides that the amount paid to an alternate payee under a division of benefits order shall be based on the amount the member would have received if he or she elected coverage under the MOSERS' closed plan. This act provides that such amount shall be based on the plan the member was in on the date of the dissolution of marriage. Section 104.312.4.

Provides that any member of the MOSERS' closed plan who elected the year 2000 plan and later becomes divorced and subject to a division of benefits order will have such order calculated pursuant to the provisions of the year 2000 plan. Section 104.1051.4.

Allows the board of trustees for MOSERS to provide services related to medical benefit funds for state employees, retirees, and their dependents who participate in a state medical plan administered by the Missouri consolidated health plan or other medical benefit plans established or maintained by the state for such persons. Services shall be provided under a trust agreement between the board and the state medical plan. Section 104.320.2

The MOSERS board shall set up and maintain a separate employee and retiree medical benefit trust for each state medical plan that the system contracts with, in which shall be placed contributions made by the state to fund medical plan benefits, employee contributions and premiums, and other payments or income from any source, to satisfy obligations of the state entity to provide benefits to its employees, retirees, and dependents under such state medical plan. The board may establish trust instruments that set forth applicable terms and conditions for the investment and disbursement of assets of a medical benefit trust, which may be irrevocable. The board may also consolidate retiree assets of one or more medical benefit trusts or commingle assets of trusts with assets of the system for investment purposes, but must maintain separate accounting for the assets of each trust. The board is authorized to enter into written contracts and may employ third-party advisors to The board shall make payments from a medical benefit trust to or for the benefit of participants in a state medical plan, or their dependents, as may be specified in directives by the administrator of the medical plan. The board shall be without liability for any

SPONSOR: Crowell

HANDLER: Wallace

payments made under the direction of the plan administrator, or as provided in a medical benefit trust instrument, and shall have no responsibility or liability for any payment made under such direction. The board may also authorize the executive director to assist with procedures relating to state payroll, or any other state employee benefits, as requested by the office of administration or other state agency. Section 104.320.3, .4, .5 & .6.

Removes language that allowed members of MOSERS and MPERS to purchase prior creditable service for full-time compensated contract service. The act also changes the service purchase provisions in order to be consistent with current practice for purchases of military service, by providing that the salary and contribution rates are determined when a member is initially covered by MPERS or MOSERS. The act also adds language to prohibit receiving duplicate credit for purchased service in more than one retirement system for the same period of service. Section 104.344.

Within MOSERS, eliminates provisions that allowed for prior service credit for part-time legislative service that did not qualify for retirement eligibility. Section 104.352.1.

Corrects numerical statutory references. Sections 104.352.2, 104.352.3, and 104.354.

Current law provides that a retired member of MOSERS who is elected or appointed to any state office, or is employed in certain departmental positions, shall cease to receive an annuity and shall be considered a new employee with no prior creditable service who must begin accruing creditable service anew in order to be eligible for an annuity. This act provides that such member must accrue creditable service continuously for at least one year before becoming eligible for an annuity. Sections 104.380 and 104.1039.

Current law provides that if a member of MOSERS elects certain annuity options prior to retirement and dies prior to receiving the total annuity payments under the option with no designated beneficiary, the remainder of such payments shall be made to the member's estate. Also, if a designated beneficiary dies prior to receiving the total remainder of a deceased member's payments, the payments shall be made to the beneficiary's estate. This act provides that, in such events, the remainder of such payments shall be paid to the member or the beneficiary's surviving spouse, children, parents, or siblings, or their respective descendants, as described in Sections 104.620 and 104.1054, RSMo. Sections 104.395.1 and 104.1027.1.

Current law provides that if certain members elect a joint and survivor annuity option and the spouse or former spouse precedes the member in death, the annuity shall revert to a normal annuity, including any increases the member would have received since the date of retirement. This act provides that if a member dies before notifying the system of the spouse's death, the benefit will not revert to a normal annuity, and no retroactive payments will be made. Section 104.395.3 and 104.1027.3.

Current law provides that certain retired members who elected a joint and survivor annuity option and whose spouse or former spouse precedes them in death may, upon application, be appointed by the board of trustees of MOSERS as a special consultant, and in exchange, the member's reduced annuity shall revert to a normal annuity. This act provides that the benefit of reversion to a normal annuity shall only be received if the member cancels his or her original joint and survivor annuity option election. Section 104.395.4 and 104.1027.4.

Provides that a member may change any election for such annuity options at any time before the first annuity payment is mailed or electronically transferred. Section 104.395.8.

SPONSOR: Crowell

HANDLER: Wallace

Adds language providing that members must apply and complete service purchases under Chapters 104 and 105 prior to applying for retirement. Section 104.606.

Provides that employees earning creditable or credited service in the closed or year 2000 plan of MOSERS who are transferred to the department of transportation prior to January 1, 2003, may elect to transfer membership and creditable service to MPERS within 60 (rather than 90) days of August 28, 2007. Also changes the "Highways and Transportation and Highway Patrol Employees' Retirement System" to the "Missouri Department of Transportation and Highway Patrol Employees' Retirement System" (MPERS) in order to reflect the most recent name change. Section 104.805.

Amends the definition of "employee" in the MOSERS year 2000 plan to include part-time legislative employees employed on or after July 1, 2000, but prior to August 28, 2007. Section 104.1003(13)(e).

Adds language that would allow the MOSERS board to promulgate rules necessary to accommodate any change in the state payroll system as it relates to how final average compensation is calculated for purposes of determining a retirement benefit. Section 104.1003(16).

Adds language providing that pay does not include any amounts for which contributions have not been made. Section 104.1003(21)(e).

Changes the "Highways and Transportation and Highway Patrol Employees' Retirement System" to the "Missouri Department of Transportation and Highway Patrol Employees' Retirement System" to reflect the most recent name change. Section 104.1003(24).

Adds language to allow MOSERS to pay benefits under a benefit plan subject to limitations under Section 415(m) of the Internal Revenue Code, regarding qualified governmental excess benefit arrangements. Section 104.1003.2.

The act also provides that if the board of trustees of MOSERS chooses to provide employees or members under either the closed plan or year 2000 plan with retirement-related education or advice, the board will not be liable for decisions made by such persons, so long as the board acts with the same care, skill, prudence, and diligence as a prudent person acting in a similar capacity would use. Section 104.1012.3.

The act also provides that a member may change their election to be covered by MOSERS closed plan or the year 2000 plan at any time before the first annuity payment is mailed or electronically transferred. Section 104.1015.9.

Corrects a numerical statutory reference, and changes the legislative service requirement for purchasing service from two to three biennial assemblies, to be consistent with the legislative vesting requirements. Section 104.1021.11.

Provides that a member of MOSERS who retires under the year 2000 plan shall receive an annuity on the last working day of each month, as long as all required documentation needed to calculate payment of benefits is received by the board. Section 104.1024.1.

Current law states that if a temporary annuity is being paid under Section 104.1024, such payment

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HANDLER: Wallace

shall cease at the earlier of the date of the member's death, or the date the member reaches the age of eligibility for Social Security. This act specifies that in no event shall the annuity continue past age 62. Section 104.1024.4. Additionally, this act specifies that in no event shall optional life insurance obtained by certain eligible retired members, as described by Section 104.1024, be retained past age 62. Sections 104.1024.2(4) and 104.1072.2(4).

Within the MOSERS year 2000 plan, removes limitations on the maximum adjustment to a retiree's annuity when the retiree elects to reduce his or her life annuity in order to designate a beneficiary to receive a portion of the reduced annuity upon the retiree's death. Section 104.1027.

Corrects a numerical statutory reference. Section 104.1087.1.

Adds language to require agreements between retirement plans for transfer of service credit. Section 104.1090(15).

Provides additional definitions related to provisions within this act. Section 105.660.

Reduces the amortization period associated with plan unfunded accrued liabilities to a maximum of 30 years, rather than the current maximum of 40 years, in order to meet recommendations of the Governmental Accounting Standards Board. Section 105.665.

Requires each plan to create education and continuing education programs for board members, which shall include education on topics enumerated in this act. Also, each retirement plan, upon request, shall provide a pension benefit statement to a participant in written or electronic form, written in a manner calculated to be understood by the average plan participant. Such statement shall include accrued participant contributions, total accrued benefits, date first eligible for a normal retirement benefit, and projected normal retirement benefit. Any plan failing to comply shall submit reasons in writing to the joint committee on public employee retirement. Section 105.666.1 and 105.666.2.

Prohibits any appointing authority, board member, or employee from receiving any gains or profit from any funds or transactions of the plan, and provides that any such person who accepts political contributions or compensation to influence his or her action with respect to the system shall forfeit his or her office and be subject to penalties for bribery. Also, any trustee, employee, or participant of a plan who is convicted of a plan-related felony after August 28, 2007, shall forfeit any retirement benefits from such plan. Section 105.667.

Provides that any plan whose actuary determines has a funded ratio below 60 percent, other than the Public School Retirement System and the Public Education Employee Retirement System of Missouri, and the political subdivision has failed to make 100 percent of the actuarially-required contribution for five successive plan years shall be deemed delinquent in contribution payments, which shall constitute a first lien on the funds of the subdivision. The board is authorized to compel payment by writ, and the state treasurer shall withhold 25 percent of the contribution deficiency from the total moneys due the subdivision until the delinquency is satisfied. Section 105.683.

Prohibits any new benefit increases for plans that are less than 80 percent funded, but plans funded at 80 percent or more may adopt increases as long as the funded ratio remains above 75 percent; unfunded actuarial accrued liabilities associated with benefit changes shall be amortized over a twenty-year period. Also, any plan with a funded ratio less than 60 percent shall have the actuary prepare an accelerated

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HANDLER: Wallace

contribution schedule. The provisions of this section do not apply to the Missouri local government employees' retirement system under chapter 70, RSMo, or the judicial retirement plan under chapter 47, RSMo. Section 105.684.

Provides that the Missouri state public employees deferred compensation commission shall transfer administration of the deferred compensation fund to the board of trustees of MOSERS on August 28, 2007, and that the board shall assume sole control over the fund the first day of the following month. The commission shall provide for the orderly transfer of all fund records, and shall take any other action necessary for the board to assume its duties. The commission shall be dissolved upon transfer, but one commissioner who is a member of the House selected by the Speaker of the House shall serve as an ex officio member of the board, and such person's service shall end December 31, 2009, and the current chairmen of the commission shall also serve as an ex officio board member, and such person's service shall end December 31, 2008. Sections 105.910.3 and 105.915.1.

The act also provides that participation in the deferred compensation plan is subject to any limitations under federal law. Assets of the deferred compensation fund may be comingled with the MOSERS trust for investment purposes, and administrative costs may be paid out of funds assets, which may reduce amounts due to participants. Section 105.915.2 and 105.915.3.

The act also provides that the MOSERS board and employees are immune from suit and shall not be liable for any decisions made by the deferred compensation commission prior to transfer by the board, and the board and employees shall not be liable for investment decisions of employees if the board acts with the same skill, prudence and diligence as a prudent person acting in similar circumstances. Also, the MOSERS system is immune from suit and shall not be liable for any claim associated with administration of the fund by the board and employees. Section 105.915.5, .6 & .7.

Repeals section 104.920, which provided that the financial liability of the state or political subdivision shall be limited to the value of the fixed or variable life insurance or annuity contract, mutual funds or other such investment options purchased on the behalf of any employee.

Within the Teacher and School Employee Retirement Systems, provides that the maximum percentage of increase in the annual compensation in the final average salary period shall not exceed ten percent. This limit will not apply to increases due to changes in position or employer, that are required by state statute, or that are due to district-wide salary schedule adjustments for previously unrecognized education related service. Section 169.010.

Currently, certain alternative retirement allowance provisions, commonly referred to as "25 and out" and the "31st year factor" of the Teacher and School Employee Retirement Systems, terminate on July 1, 2008. This act extends the termination dates to July 1, 2013. Section 169.070.

Replaces the term "pension" with the phrase "retirement benefit" throughout sections 169.466 and 169.471, RSMo. The act also provides that the board of trustees for the public school retirement system in districts of 700,000 or over is authorized to increase retirement benefits for the system and to adopt additional retirement benefits for persons who have retired, including cost-of-living adjustments, as long as the board of trustees finds that the additional benefit will not require an increase in the contribution rate required by members or the board of education and is actuarially sound. If the board authorizes such an increase in benefits, it shall certify in writing to the board of education the findings upon which the board determines no increase in contributions. Sections 169.466 and 169.471.

SPONSOR: Crowell

HANDLER: Wallace

Allows juvenile officers in single county circuits to receive creditable prior service in MOSERS for service as a juvenile court employee before July 1, 1999, if the service is not credited in a county retirement plan. Also redefines "juvenile court employee" to include juvenile court personnel who were paid by a grant, allowing this service to be creditable for retirement purposes. Section 211.393.

Provides that any board of directors of a fire protection district's pension plan shall administer the plan by a separate five-member pension board of trustees. The board of trustees shall consist of the three-member board of directors of the pension plan and two other participants, who shall be selected by the board of directors from a list of three potential participants elected by plan members. Section 321.800.

Provisions within this act are similar to provisions within HB 202, HB 257, HB 375, HB 626, HB 661, HB 950, HB 1006, HCS/SB 127, SB 401, SB 402, SB 403, SB 404, SB 476, HCS/SB 244, SB 293, SB 492, and SB 517 (all from the 2007 legislative session).

ALEXA PEARSON

***** SB 407 *****

SPONSOR: Shoemyer

HANDLER: Deeken

SB 407 - This act allows a public water supply district to contract with another water district or municipality to sell water in the other's service area.

ERIKA JAKUES

***** SB 416 *****

SPONSOR: Goodman

HANDLER: Pratt

HCS/SB 416 - Current law provides that the public service commission shall hold evidentiary hearings to determine whether territorial agreements designating boundaries of water service areas or boundaries of electric service areas should be approved, and shall hold evidentiary hearings regarding complaints involving a commission-approved territorial agreement. This act provides that such hearings may be waived in instances where the matter is resolved by stipulation and agreement submitted to the commission by all parties. Upon its own motion, the commission may also hold a hearing regarding any application, complaint, or petition filed under this act.

Current law also provides that no such territorial agreement shall become effective unless it receives commission approval, and that the commission has the authority to suspend or revoke an agreement that it determines is not in the public interest. This act provides that the commission shall only have authority to suspend or revoke a territorial agreement that it determines is no longer in the public interest if it is subject to a complaint.

Current law provides that statutes of limitations are inapplicable to actions involving lands granted for any public, pious, or charitable use, and that this provision shall be construed to prohibit any claimant from adversely possessing any interest in land held by a public utility. This act adds rural electric cooperatives, as defined in chapter 394, RSMo, and organizations operating under section 394.200, RSMo, to the prohibition.

ALEXA PEARSON

***** SB 418 *****

SPONSOR: Champion

HANDLER: Weter

SCS/SB 418 - Under current law, the maximum amount of personal needs payments a resident of a long-term care facility can receive under the Supplemental Nursing Care Program is \$25 a month. This act modifies the amount to be equal to the Medicaid vendor nursing facility personal needs allowance amount.

ADRIANE CROUSE

***** SB 420 *****

SPONSOR: Gibbons

HANDLER: Richard

SCS/SB 420 - Currently, no more than three members of the seven member Clean Water Commission shall belong to the same political party. This act provides that no more than four members shall belong to the same political party.

This act contains an emergency clause.

JIM ERTLE

***** SB 433 *****

SPONSOR: Callahan

HANDLER: Day

SB 433 - This act amends sections relating to the unemployment compensation scheme for war on terror veterans.

The act specifies that a war on terror veteran must be a Missouri resident immediately prior to deployment and must be a member of the Missouri national guard or a U.S. reservist.

In order to qualify for benefits, a Missouri court must have found that the veteran was discharged or laid off from non-military employment during deployment or within 30 days after completion of deployment.

The act specifies that the benefit computations are based on the five completed calendar quarters during which the veteran received wages immediately before deployment. Under current law the maximum benefit amounts were annually adjusted according to the consumer price index. This act removes this requirement.

The act provides a method for the Division of Employment Security to recoup erroneously paid benefits.

Currently employers who take adverse employment actions against veterans are subject to an administrative penalty of \$25,000. This act raises that amount to \$35,000.

This act is similar to SS/SCS/HCS/HB 1456 (2006).

CHRIS HOGERTY

SPONSOR: Gross

HANDLER: Dempsey

SCS/SB 456 - This act grants school districts, located at least partially within a county, an additional payment equal to the decrease, if any, in the amount the district receives from fines in the current year from revenue the district received in fiscal year 2005.

JASON ZAMKUS

SPONSOR: Scott

HANDLER: Wilson

HCS/SCS/SB 497 - This act modifies various provisions relating to county officials.

Currently, the Salary Commission is responsible for the computation of the salaries of county officials. Under this act, the same is true, except when it is necessary to increase the newly elected or reelected county officials' salary in accordance to comply with the Missouri Constitution to comply with current statute.

The act increases the tax imposed upon delinquent and back tax statements for the collection of such taxes for Jackson County from two percent to three percent.

The act provides that the "coupling provision of section 94.660" (requires both the city and county to approve a transportation sales tax before a transportation sales tax can go into effect in either jurisdiction) shall not apply to any transportation sales tax approved by the voters in such city or such county on or after August 28, 2007.

Current law requires unclaimed money or property found upon a deceased person be delivered to the public administrator. This act requires the public administrator to follow the procedures laid out for taking charge of a deceased person's estate. In addition to other circumstances, the public administrator shall have the duty of taking charge of a deceased person's estate when moneys are delivered to him or her by the county coroner.

These sections changes the deadline from April 1 of each year to any date on or before the first Monday of July for county commissions to receive proposals and publicly open bids from banks to be selected as the depositaries of county funds. The provision requiring counties to divide the funds is repealed.

This act is similar to SCS/HB 125, SB 605, HB 113 (2007), HB 899 (2007), HCS/HB 312 (2007) and certain provisions of CCS/HCS/SS/SCS/SB 22 (2007), SS/SCS/HB 125 (2007), HCS/HB 919 (2007) & SS/SCS/HB 69 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Clemens

HANDLER: Wasson

SB 513 - Under current law, nurses working in public or nonprofit institutions in areas of need qualify for the nursing student loan program. This act allows nurses to qualify when they work in any institution in an area of need.

This act is identical to HB 749 (2007).

CHRIS HOGERTY

SPONSOR: Shields

HANDLER: Schaaf

CCS/HCS/SS/SCS/SB 577 - This act establishes the Missouri Continuing Health Improvement Act of 2007, modifying various provisions relating to the state medical assistance program and changing the name of the program to MO HealthNet.

STATE LEGAL EXPENSE FUND - This act adds coverage for liability under the state legal expense fund to podiatrists, chiropractors, optometrists, pharmacists, certain mental health professionals, certain other health care providers who provide health care services at certain health departments or health centers, any social welfare board, the officers and members of such a board, and certain health care providers who are referred to provide specialty care without compensation for such a board.

The moneys in the fund shall also be available to pay claims or judgments against certain physicians and dentists providing specialty care without compensation to an individual referred to him or her by certain health departments or health centers. The payment for claims arising under this specific provision shall not exceed one million dollars in the aggregate for all claims arising out of the same act or acts alleged in a single cause, and shall not exceed one million dollars for any one claimant, and insurance policies purchased for such persons with moneys appropriated to the legal expense fund shall not exceed one million dollars. Additionally, liability or malpractice insurance for any physician or dentist shall not be considered available to pay any portion of a judgment or claim for which the legal expense fund is liable under this provision. (SECTION 105.711)

These provisions are substantially similar to SB 273 (2007).

INCOME TAX DEDUCTION FOR LONG-TERM CARE INSURANCE PREMIUMS - Beginning January 1, 2007, this bill authorizes 100% of the amount paid for nonreimbursed qualified long-term care insurance premiums to be deducted from a taxpayer's Missouri taxable income to the extent the amount is not already included in the taxpayer's itemized deductions. (SECTION 135.096)

This provision is in SCS/SB 15 and in HB 40 (2007).

MISSOURI HEALTHCARE ACCESS FUND - This act creates the Missouri Healthcare Access Fund to be used to expand healthcare services in state and federally designated areas with healthcare shortages and is subject to appropriations. In addition, the state shall provide matching moneys from the general revenue fund equaling one-half of the amount deposited into the fund. The total annual amount available to the fund from state sources under such a match program shall be five hundred thousand dollars for fiscal year 2008, one million five hundred thousand dollars for fiscal year 2009, and one million dollars annually thereafter.

The Department of Health and Senior Services has the authority to designate eligible facilities in an area of defined need and is required to re-evaluate eligible facilities every six years. Beginning January 1, 2007, individuals making a donation in excess of \$100 to the fund will be eligible for a tax credit that is subject to the approval of the House and Senate Budget Committees. The provisions of these sections will expire six years from the effective date. (SECTIONS 135.575, 191.1050, 191.1053, 191.1056)

These provisions are substantially similar to HB 878 (2007).

PRIMO PROGRAM - This act adds psychiatrists and psychologists and other mental health providers, such as psychologists, professional counselors, and social workers, licensed under chapter 337, to the list of providers eligible for assistance through the Primary Care Resource Initiative for Missouri (PRIMO)

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HANDLER: Schaaf

program. This act also requires the Department of Health and Senior Services to submit an annual report to the Mo HealthNet Oversight Committee established under this act regarding the implementation of the program. (SECTION 191.411)

MO HEALTHNET (MEDICAID) FRAUD - A person commits a "knowing" violation of sections prohibiting Medicaid fraud if he or she has actual knowledge of the information, acts in deliberate ignorance of the truth or falsity of the information, or acts in reckless disregard of the truth or falsity of the information, but provides that the use of the terms "knowing" or "knowingly" shall be construed to include the term "intentionally." This act also expands the definition of "health care provider" to include any employee, representative, or subcontractor of the state.

Current law provides that any person committing such a violation shall be guilty of a Class D felony upon a first conviction, and shall be guilty of a Class C felony upon subsequent convictions; this act provides that such person shall be guilty of a Class C felony upon a first conviction, and shall be guilty of a Class B felony upon subsequent convictions. Also, any person who has been convicted of such violations shall be referred to the federal Office of Inspector General.

Any person who is the original source of the information used by the attorney general to bring a Medicaid fraud action shall receive 10 percent of any recovery by the Attorney General unless he or she participated in the fraud or abuse.

The act also contains "whistle-blower" protections, providing that a person who is discharged, demoted, suspended, threatened, harassed, or in any way discriminated against in terms of employment due to a lawful act taken by the person in furtherance of an action for Medicaid fraud shall be entitled to reinstatement with the same seniority status, not less than two times the amount of back pay, interest on the back pay. However, such protections shall not apply if the court finds that the employee brought a frivolous or clearly vexatious claim, planned, initiated, or participated in the conduct upon which the action is brought, or is convicted of criminal conduct arising from Medicaid fraud violations.

The Attorney General's office and the Department of Social Services shall make a detailed report to the General Assembly and the Governor regarding implementation and administration of the provisions of this act, as provided therein. Additionally, a financial audit of the Medicaid fraud unit within the Attorney General's office and of the program integrity unit of the Department of Social Services shall be annually conducted by the State Auditor, to quantitatively determine the amount of money invested in such units and the amount of money actually recovered by them.

All Medicaid health care providers shall maintain adequate records regarding services provided, claims submitted, and payments requested, and shall maintain such records for at least five years after the date payment was received or for at least five years after the date on which the claim was submitted, if payment was not received. No person shall conceal or destroy such records before five years time, or he or she shall be guilty of a Class A misdemeanor.

Any person who intentionally files a false report or claim alleging a Medicaid fraud violation is guilty of a Class A misdemeanor and guilty of a Class D felony for any subsequent violations. In addition, it shall be a class D felony for any person to receive any compensation in exchange for knowingly failing to report any Medicaid fraud violations.

An advisory working group is created to study and determine whether an Office of Inspector General

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shall be established. Such office would be responsible for oversight, auditing, investigation, and performance review to provide increased accountability, integrity, and oversight of state medical assistance programs. The commission will consist of ten members, five from the House and five from the Senate. Additionally, the directors of the Departments of Social Services, Health and Senior Services, and Mental Health shall serve as ex-officio members of the advisory working group.

This act also allows for the deposit of moneys recovered in a Medicaid fraud action to be used to increase Medicaid provider reimbursement until amount equals the average Medicare provider reimbursement for comparable services. Such funds shall be deposited for this purpose so long as there are any funds remaining after the appropriation of funds to the Attorney General for cost of investigation and prosecution and which have been appropriated to the Department of Social Services for administering the state medical assistance program. (SECTIONS 191.900 TO 191.914)

These provisions are substantially similar to HB 353 (2007).

CHRONIC KIDNEY DISEASE TASK FORCE - This act creates the "Chronic Kidney Disease Task Force." The list of 17 members are specified in the act. The duties of the task force include developing a plan to educate the public and health care professionals about the advantages and methods of early screening, diagnosis, and treatment of chronic kidney disease. Also, the task force shall submit a report of its findings and recommendations to the General Assembly by August 30, 2008, at which time the task force shall expire. (SECTION 192.632)

This act is substantially similar to SB 677 and HB 1084 (2007).

ASSISTED LIVING FACILITIES - This act requires assisted living facilities to immediately implement and review, within 24 hours, any physician order and update a resident's care plan when the resident returns from a hospital or skilled nursing facility. The Department of Health and Senior Services shall adjust personal care units authorized upon effective date of the physicians orders to reflect the services required by such orders. (SECTION 198.069)

MISAPPROPRIATION OF FUNDS OF ELDERLY OR DISABLED FACILITY CARE RESIDENT - This act also modifies the offense of misappropriation of funds of elderly or disabled facility care resident. This act provides that evidence of misappropriating funds and failing to pay for the facility care of an elderly or disabled person may include, but shall not be limited to proof that the facility has sent, by certified mail with confirmation receipt requested, notification of failure to pay nursing home expenses incurred by a resident to the person who has assumed responsibility of managing the financial affairs of the resident.

These provisions shall not be construed to limit the investigations or prosecutions of this crime or the crime of financial exploitation of an elderly or disabled person. (SECTION 198.097)

These provisions are substantially similar to SB 675 (2007).

TICKET TO WORK PROGRAM - This act establishes the Ticket to Work Health Assurance Program, which is authorized by the federal Ticket to Work and Work Incentives Improvement Act.

This act allows MO HealthNet eligibility for an employed person who meets the definition of disabled, satisfies asset limits, and who has an annual gross income of 300 percent or less of the federal

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poverty level.

The asset limit for the new program is the same as that for the Medical Assistance – Permanently and Totally Disabled (MA-PTD) program, currently \$999.99 for a single person and \$2,000 for a couple with the standard exemptions. The available asset limit does not include medical savings accounts or independent living accounts. The individual must have a gross income of 300 percent or less of the federal poverty level. Individuals with gross income in excess of one hundred percent of the federal poverty level shall pay a specified monthly premium for participation. For income to qualify as earned income for the purposes of this program, the individual must demonstrate that Social Security and Medicare taxes are paid on the earnings.

If an individual's employer offers health insurance that is more cost effective, the individual shall participate in the employer-sponsored insurance. The Department of Social Services, however, will be responsible for costs associated with the employer insurance. (SECTION 208.146)

These provisions are similar to SCS/HCS/HB 39 (2007).

MO HEALTHNET ELIGIBILITY AND SERVICES

DRUG COURT - Under this act, individuals who receive medical assistance due to the receipt of aid to families with dependent children, shall continue to be eligible for such assistance for sixty days despite having a child or children removed from their custody, if such person is a participant in a drug court program and upon federal approval by the Centers for Medicare and Medicaid Services. (SECTION 208.151.1(2))

EXTENSION OF SERVICES FOR FORMER FOSTER CARE CHILDREN - This act extends MO HealthNet coverage for foster care children from the age of 18 to 21 without regard to income or assets. (SECTION 208.151.1 (26))

LONG-TERM CARE SERVICES - This act also provides that individuals with more than \$500,000 in home equity will no longer qualify for long-term care services under MO HealthNet. (SECTION 208.152.1(4))

Benefits for personal care services, when delivered in a residential care facility or assisted living facility shall be authorized on a four tier level based on the services the resident requires and frequency of services. The rate paid to providers for each tier of service shall be subject to appropriations. Services provided by in-home providers to participants who are qualified for the aged and disabled waiver and/or personal care, shall be authorized on a tier-level basis on the services required, frequency of delivery, and time needed to perform tasks. The rate paid for services shall be set subject to appropriations. (SECTION 208.152.1(14))

PEDIATRIC OR FAMILY NURSING PRACTITIONER - Under current law the services of certified pediatric or family nursing practitioners are covered under Medicaid, regardless of whether the nurse practitioner is supervised by or in association with a physician or other health care provider. This act provides that such services may only be covered if such pediatric or family nursing practitioners have a collaborative practice agreement. (SECTION 208.152.(17))

OPTIONAL SERVICES - This act also allows for durable medical equipment, if medically necessary. An electronic web-based prior authorization system shall use best medical evidence and care and

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treatment. Hospice services are also reinstated as covered services (SECTION 208.152.(19), (20), and (26))

This act also reinstates dental and optometry services. Such services shall be subject to appropriations and shall be medically necessary (SECTION 208.152.(21) and (22))

REIMBURSEMENT RATES FOR MO HEALTHNET PROVIDERS - By January 1, 2008, the MO HealthNet Division shall report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rate and compared to the average dental reimbursement rates paid by 3rd party payors in the state. The division shall also by that date provide to the General Assembly a four-year plan to achieve parity with Medicare reimbursement rates. By July 1, 2008, the division shall provide to the General Assembly a 4-year plan to achieve parity with Medicare rates and for third party payer average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the 4-year plan developed under this subdivision. (SECTION 208.152.(23))

CO-PAYS - Beginning July 1, 2008, the division may require any participant receiving services to pay an additional payment for all covered services except for personal care services, mental health services, and CHIP services. (SECTION 208.152.4)

SECOND MEDICAL OPINION FOR SURGERY-REPEALED - Under current law, benefit payments for medical assistance for surgery shall be made only when a second medical opinion by a licensed physician as to the need for the surgery is obtained. This act repeals such provision. (SECTION 208.152.3)

ASSISTED LIVING FACILITIES AS MO HEALTHNET PROVIDERS - This act adds assisted living facilities as well as residential care facilities to the list of qualified MO HealthNet personal care providers. (SECTION 208.152.10)

SHELTERED WORKSHOP INCOME - This act also provides that as to the permanent and totally disabled population, any income derived through certified extended employment at a sheltered workshop shall not be considered as income for determining Medicaid eligibility. (SECTION 208.152.10)

SOCIAL SECURITY COST OF LIVING INCREASE - Any social security cost-of-living increase at the beginning of any year shall be disregarded until the federal poverty level for such year is implemented. (SECTION 208.153.7)

PAY-FOR-PERFORMANCE - Subject to appropriations, this act requires pay for performance to be developed by the Pay for Performance Committee. (SECTION 208.153.2)

The committee shall be composed of 18 members, geographically balanced, including 9 physicians, one consumer advocate, and one patient advocate. The other members shall be persons actively engaged in hospital administration and nursing home administration. The MO HealthNet Division shall maintain the program to ensure quality, foster relationships between the patient and the provider, uses clinically relevant and evidence-based measures which are statistically valid. (SECTION 208.197)

PREMIUM OFFSET PROGRAM - This act allows for the development of a premium offset pilot project to make standardized health insurance coverage available to qualified individuals. Subject to approval by

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the oversight committee, the MO HealthNet Division shall implement the program in two regions in the state, one in an urban area and one in a rural area. No employer shall participate in the pilot project for more than 5 years. The provisions of this pilot shall expire on June 30, 2011. (SECTION 208.202)

THIRD PARTY LIABILITY AND ESTATE RECOVERY - This act modifies provisions relating to the MO HealthNet Division's authority to collect from third party payers. This act provides that in order for annuities not to be counted as income for purposes of MO Healthnet eligibility in a long-term care facility, the annuities must be in the name of spouse residing in long-term care facility. This act also provides for the ability of the MO HealthNet Division to obtain eligibility data from third party insurance carriers, health plans, pharmacy benefits managers, and third party administrators at least twice a year in a usable format. Also, this act provides for the recovery of medical assistance program payments made on behalf of the decedent from a decedent's estate. (SECTIONS 208.212 TO 208.217 AND 473.398)

PERSONAL CARE SERVICES CONTRACTS - Under this act, if a personal care contract is received as fair and valuable consideration in exchange for personal property, real property, cash or securities, such exchange shall not render an institutionalized individual ineligible for Medicaid based on an improper transfer of assets. A personal care contract is fair and valuable consideration when:

- There is a written agreement between the individual providing services and the individual receiving care which specifies the type, frequency, and duration of the services to be provided that was signed and dated on or before the date the services began;
- The services do not duplicate those which another party is being paid to provide;
- The individual receiving the services has a documented need for the personal care services provided;
- The services are essential to avoid institutionalization of the individual receiving benefit of the services;
- Compensation for the services must be made at the time services are performed or within two months of the provision of the services; and
- The fair market value of the services provided prior to the month of institutionalization is equal to the fair market value of the assets exchanged for the services. (SECTION 208.213)

MO HEALTHNET BENEFICIARY EMPLOYER REPORTS - Requires the Department of Social Services to submit a Mo HealthNet beneficiary quarterly report to the governor and requires applicants for Mo HealthNet benefits to disclose their employer. (SECTION 208.230)

HEALTH INSURANCE FOR UNINSURED CHILDREN PROGRAM - Changes the eligibility requirement for the State Children's Health Insurance Program and specifies that the program will remain in effect only if the federal government appropriates funds. (SECTION 208.631)

Under current law, children who qualify for the health insurance for uninsured children program (MC+ for Kids) must lack access to affordable employer-sponsored health insurance. This act modifies the definition of "affordable employer-sponsored health insurance" as follows:

- for families with gross income above 150 percent to 185 percent of the federal poverty level, the health insurance should require a monthly premium of 3 percent of 150 percent of the federal poverty level for a family of three;
- for families with gross income above 185 percent to 225 percent of the federal poverty level, the health insurance should require a monthly premium of 4 percent of 185 percent of the federal poverty level for a family of three;
- for families with gross income above 225 percent and below 300 percent of the federal poverty level, the health insurance should require a monthly premium of 5 percent of 225 percent of the federal

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poverty level for a family of three.

In addition, health insurance plans that do not cover an eligible child's pre-existing condition shall not be considered "affordable employer-sponsored health care insurance." Also, if the child has exceeded the annual coverage limits for all health care services, the child is not considered insured and does not have access to affordable health insurance. (SECTION 208.640)

UNINSURED WOMEN'S HEALTH PROGRAM - This act requires revision of eligibility requirements for the uninsured women's health program to include women who are at least 18 years old and with a net family income of at or below 185 percent of the federal poverty level. Such women shall not have assets in excess of 250,000 dollars, nor shall they have access to employer-sponsored health insurance. There is an emergency clause for the provisions relating to foster care eligibility. (SECTION 208.659)

This provision is substantially similar to SB 653 (2007).

TELEHEALTH - This act provides that the Department of Social Services shall promulgate rules governing the practice of telehealth in the MO HealthNet program. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and to ensure confidentiality of medical information. (SECTION 208.670)

LONG-TERM CARE PARTNERSHIP PROGRAM - This act establishes the Missouri Long-Term Care Partnership Program and provides that the Department of Social Services shall, in conjunction with the Department of Insurance, Financial Institutions and Professional Registration, coordinate the program so that private insurance and MO Health Net funds shall be used to finance long-term care.

Under such a program, an individual may purchase a qualified long-term care partnership approved policy in accordance with the requirements of the Federal Deficit Reduction Act of 2005 to provide a mechanism for individuals to qualify for coverage of the cost of the individual's long-term care needs under Mo HealthNet without first being required to substantially exhaust his or her resources. Individuals seeking to qualify for MO HealthNet are permitted to retain assets equal to the dollar amount of qualified long-term care partnership insurance benefits received beyond the level of assets otherwise permitted to be retained under Mo HealthNet.

The Department of Insurance, Financial Institutions and Professional Registration may certify qualified state long-term care insurance partnership policies that meet the applicable provisions of the National Association of Insurance Commissioners (NAIC) Long-Term Care Insurance Model Act and Regulation as specified in the Federal Deficit Reduction Act of 2005. In addition, the department shall develop requirements regarding training for those who sell qualified long-term care partnership policies.

The issuers of qualified long-term care partnership policies in this state shall provide regular reports to both the Secretary of the federal Department of Health and Human Services and to the Departments of Social Services and Insurance, Financial and Professional Regulation.

The Departments of Social Services and Insurance, Financial and Professional Regulation shall promulgate rules to implement the provisions of this act.

This act repeals Sections 660.546 to 660.557, RSMo, relating to a similar long-term care partnership program but that was never approved by federal law. (SECTIONS 208.690 TO 208.698)

SPONSOR: Shields

HANDLER: Schaaf

The provisions of these sections are substantially similar to SCS/SB 15 (2007).

COMMUNITY-BASED ORGANIZATIONS IN THE FAMILY DEVELOPMENT ACCOUNT

PROGRAM - The act revises the definition of "community-based organizations" to include any nonprofit corporations formed under Chapter 355 for which the department can approve to implement the Family Development Account Program. (SECTION 208.750)

HEALTH IMPROVEMENT PLANS - The Department of Social Services shall, with the advice and approval of the MO HealthNet Oversight Committee, create health improvement plans for all participants in MO HealthNet. Such health improvement plans shall include but not be limited to, risk-bearing coordinated care plans, administrative services organizations, and coordinated fee-for-service plans. The development of the plans and enrollment into such plans shall begin July 2008 and be completed by July 2011. The contracts for such plans shall require that the contracted per diem rate be reduced or other financial penalty occur if the quality targets are not met by the department. Every participant shall be enrolled in a health improvement plan and have a health care home.

The department is also required to use a public process for the design, development, and implementation of health improvement plans. The department shall establish a sliding scale schedule of co-payments for hospital emergency room visits.

All health improvement plans are required to help participants remain in the least restrictive level of care possible, use domestic call centers and nursing help lines, report participant and provider satisfaction information annually. Additionally, for purposes of a request for proposal for the health improvement plans, there shall be such requests in at least six regions in the state, however, in no case shall there be a single state-wide contract.

This act establishes the MO HealthNet Oversight Committee which will advise the department and study various aspects of the program including, but not limited to, satisfaction reports, pilot project results, and health risk assessment results. This committee shall also develop recommendations relating to the expenditure of funds appropriated to the healthcare technology fund. A subcommittee is established within the oversight committee to advise the department on the development of a comprehensive entry-point system for long-term care. The Joint Committee on MO HealthNet is also established to study the resources needed to continue improvements to the program. (SECTIONS 208.950, 208.952, 208.955, Section 3)

HEALTH CARE TECHNOLOGY FUND - This act establishes the Healthcare Technology Fund, which shall be administered by the Department of Social Services.

Upon appropriation, moneys in the fund shall be used to promote technological advances to improve patient care, decrease administrative burdens, and increase patient and health care provider satisfaction. Any programs or improvements on technology shall include encouragement and implementation of technologies intended to improve the safety, quality and costs of health care services in the state. (SECTION 208.975)

The provisions of this section are similar to SB 274 (2007)

COMMITTEES AND STUDIES - Under this act, the Legislative Budget Office shall conduct an annual

SPONSOR: Shields

HANDLER: Schaaf

five-year rolling MO HealthNet budget forecast. (SECTION 1)

PRESCRIPTION DRUGS - This act specifies that the fee for service policies that prescribe psychotropic medications will not include any new limits to the initial access requirements. (SECTION 2)

SUNSET PROVISION - This act repeals the provision establishing the Medicaid Reform Commission and the June 30, 2008, expiration date for the current Medicaid system. This act also repeals the expiration date for the Health Care for Uninsured Children program and provides that the program shall be void and of no affect if there are no funds appropriated by Congress to be provided to Missouri. This act also extends the sunset date for the consumer-directed personal care assistance services program for non-Medicaid eligible clients from June 30, 2008 to June 30, 2019. SECTIONS 208.014, 208.631, AND 208.930.

ADRIANE CROUSE

***** SB 591 *****

SPONSOR: Scott

HANDLER: Cunningham

SS/SCS/SB 591 - This act creates new standards under which the Director of the Division of Credit Unions must operate in order to authorize the expansion of a credit union's membership. Credit unions may be formed in a county or within a city not within a county and may expand into counties contiguous to those areas.

Notice of the decision of the director regarding expansion must be published in the division of credit union's electronic bulletin instead of in the Missouri Register.

Under current law, any person claiming to be adversely affected may challenge the expansion authorization. This act confers standing only to those who have an interest different from that of a member of the general public, upon establishing that they have been aggrieved, based on competent and substantial evidence of potential actual damages.

CHRIS HOGERTY

***** SRB 613 *****

SPONSOR: Goodman

HANDLER: Wasson

HCS/SCS/SRB 613 - This act repeals certain provisions of law which have expired, sunset, terminated, or are ineffective as identified by the Joint Committee on Legislative Research.

JIM ERTLE

***** HB 1 *****

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HB 1 - Public Debt

.	Governor	House
GR	\$ 91,464,696	\$ 91,464,696
FEDERAL	0	0
OTHER	6,155,798	6,155,798
.		
TOTAL	\$ 97,620,494	\$ 97,620,494

.	Senate	Final
GR	\$ 91,464,696	\$ 91,464,696
FEDERAL	0	0
OTHER	6,155,798	6,155,798
.		
TOTAL	\$ 97,620,494	\$ 97,620,494

DAN HAUG

***** HB 2 *****

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 2 - Elementary and Secondary Education

.	Governor	House
GR	\$2,842,990,900	\$2,849,899,545
FEDERAL	956,462,095	956,462,095
OTHER	1,411,503,635	1,418,575,339
.		
TOTAL	\$5,210,956,630	\$5,224,936,979

.	Senate	Final
GR	\$2,838,864,196	\$2,844,383,545
FEDERAL	956,462,095	956,462,095
OTHER	1,410,680,339	1,423,705,339
.		
TOTAL	\$5,206,006,630	\$5,224,550,979

DAN HAUG

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 3 - Higher Education

.	Governor	House
GR	\$ 933,931,649	\$ 935,452,532
FEDERAL	6,482,693	6,482,693
OTHER	229,601,090	213,601,090
.		
TOTAL	<u>\$1,170,015,432</u>	<u>\$1,155,536,315</u>
.	Senate	Final
GR	\$ 936,156,532	\$ 936,476,532
FEDERAL	6,482,693	6,482,693
OTHER	232,101,090	213,101,090
.		
TOTAL	<u>\$1,174,740,315</u>	<u>\$1,175,060,315</u>
DAN HAUG		

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 4 - Revenue & Transportation

.	REVENUE	
.	Governor	House
GR	\$ 88,233,411	\$ 87,861,120
FEDERAL	6,411,958	6,411,958
OTHER	343,911,546	343,711,546
.		
TOTAL	\$ 438,556,737	\$ 437,984,624
.	Senate	Final
GR	\$ 88,331,921	\$ 88,418,233
FEDERAL	6,411,958	6,411,958
OTHER	343,711,546	343,711,546
.		
TOTAL	\$ 438,455,425	\$ 438,541,737
.	TRANSPORTATION	
.	Governor	House
GR	\$ 12,409,321	\$ 6,259,321
FEDERAL	59,729,150	59,729,150
OTHER	2,161,235,280	2,161,235,280
.		
TOTAL	\$2,233,373,751	\$2,227,223,751
.	Senate	Final
GR	\$ 12,409,321	\$ 12,559,321
FEDERAL	59,729,150	59,729,150
OTHER	2,161,235,280	2,161,235,280
.		
TOTAL	\$2,233,373,751	\$2,233,523,751
DAN HAUG		

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 5 - Office of Administration

OFFICE OF ADMINISTRATION

.	Governor	House
GR	\$179,081,505	\$ 176,907,131
FEDERAL	74,978,156	74,978,156
OTHER	36,260,668	36,260,668
.		
TOTAL	<u>\$290,320,329</u>	<u>\$ 288,145,955</u>

.	Senate	Final
GR	\$175,471,539	\$ 174,967,305
FEDERAL	74,978,156	74,978,156
OTHER	38,092,937	37,110,668
.		
TOTAL	<u>\$288,542,632</u>	<u>\$ 287,056,129</u>

EMPLOYEE BENEFITS

.	Governor	House
GR	\$526,349,089	\$ 511,914,799
FEDERAL	164,654,970	164,654,970
OTHER	151,857,232	151,857,232
.		
TOTAL	<u>\$842,861,291</u>	<u>\$ 828,427,001</u>

.	Senate	Final
GR	\$511,486,144	\$ 511,060,457
FEDERAL	158,710,521	158,710,521
OTHER	148,200,664	148,231,944
.		
TOTAL	<u>\$818,397,329</u>	<u>\$ 818,002,922</u>
DAN HAUG		

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 6 - Agriculture, Natural Resources & Conservation

.	AGRICULTURE	
.	Governor	House
GR	\$ 52,311,714	\$ 52,328,691
FEDERAL	4,742,270	4,522,577
OTHER	14,194,369	14,944,369
.		
TOTAL	\$ 71,248,353	\$ 71,795,637
.		
.	Senate	Final
GR	\$ 44,988,322	\$ 51,609,757
FEDERAL	4,522,577	4,522,577
OTHER	14,779,969	14,779,969
.		
TOTAL	\$ 64,290,868	\$ 70,912,303
.	NATURAL RESOURCES	
.	Governor	House
GR	\$ 12,093,469	\$ 12,093,469
FEDERAL	43,242,217	43,242,217
OTHER	272,231,042	272,502,609
.		
TOTAL	\$327,566,728	\$327,838,295
.		
.	Senate	Final
GR	\$ 12,093,469	\$ 12,093,469
FEDERAL	43,242,217	43,242,217
OTHER	271,562,227	271,917,009
.		
TOTAL	\$326,897,913	\$327,252,695
.	CONSERVATION	
.	Governor	House
GR	\$ 0	\$ 0
FEDERAL	0	0
OTHER	143,254,143	143,254,143
.		
TOTAL	\$143,254,143	\$143,254,143
.		
.	Senate	Final

SPONSOR: Icet

HANDLER: Gross

GR	\$	0	\$	0
FEDERAL		0		0
OTHER	\$	141,048,874		143,254,143
.				
TOTAL		<u>\$141,048,874</u>		<u>\$143,254,143</u>
DAN HAUG				

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 7 - Economic Development, Insurance & Labor and Industrial Relations

.	ECONOMIC DEVELOPMENT	
.	Governor	House
GR	\$ 62,782,990	\$ 64,882,990
FEDERAL	169,435,600	169,487,070
OTHER	94,560,485	72,265,950
.		
TOTAL	<u>\$326,779,075</u>	<u>\$306,636,010</u>

.	Senate	Final
GR	\$ 62,526,224	\$ 64,257,953
FEDERAL	169,435,600	169,435,600
OTHER	71,641,784	71,665,950
.		
TOTAL	<u>\$303,603,608</u>	<u>\$305,359,503</u>

.	INSURANCE	
.	Governor	House
GR	\$ 0	\$ 0
FEDERAL	600,000	600,000
OTHER	35,033,466	35,033,466
.		
TOTAL	<u>\$ 35,633,466</u>	<u>\$ 35,633,466</u>

.	Senate	Final
GR	\$ 0	\$ 0
FEDERAL	600,000	600,000
OTHER	35,033,466	35,033,466
.		
TOTAL	<u>\$ 35,633,466</u>	<u>\$ 35,633,466</u>

.	LABOR AND INDUSTRIAL RELATIONS	
.	Governor	House
GR	\$ 2,514,130	\$ 2,543,177
FEDERAL	52,941,570	52,912,523
OTHER	89,769,773	93,021,857
.		
TOTAL	<u>\$145,225,473</u>	<u>\$148,477,557</u>

***** HB 7 *** (Cont'd)**

SPONSOR: Icet

HANDLER: Gross

.	Senate	Final
GR	\$ 2,514,130	\$ 2,543,177
FEDERAL	52,941,570	52,912,523
OTHER	90,145,653	90,145,653
.		
TOTAL	<u>\$145,601,353</u>	<u>\$145,601,353</u>
DAN HAUG		

***** HB 8 *****

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 8 - Public Safety

.	Governor	House
GR	\$ 74,883,670	\$ 73,870,665
FEDERAL	114,796,386	114,642,756
OTHER	276,671,019	278,228,940
.		
TOTAL	<u>\$466,351,075</u>	<u>\$466,742,361</u>

.	Senate	Final
GR	\$ 74,654,117	\$ 75,062,497
FEDERAL	112,353,337	112,363,977
OTHER	227,950,729	278,657,529
.		
TOTAL	<u>\$464,958,183</u>	<u>\$466,084,003</u>
DAN HAUG		

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 9 - Corrections

.	Governor	House
GR	\$586,485,880	\$559,500,783
FEDERAL	7,468,169	7,468,169
OTHER	47,396,485	47,396,485
.		
TOTAL	<u>\$623,350,534</u>	<u>\$614,365,437</u>
.	Senate	Final
GR	\$573,635,496	\$569,234,250
FEDERAL	7,468,169	7,468,169
OTHER	47,401,710	47,396,485
.		
TOTAL	<u>\$628,505,375</u>	<u>\$624,098,904</u>
DAN HAUG		

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 10 - Mental Health & Health

.	MENTAL HEALTH	
.	Governor	House
GR	\$ 570,964,345	\$ 583,261,998
FEDERAL	459,428,398	471,339,555
OTHER	37,713,533	38,532,206
.		
TOTAL	<u>\$1,068,106,276</u>	<u>\$1,093,133,759</u>
.	Senate	Final
GR	\$ 590,806,422	\$ 590,355,650
FEDERAL	483,292,082	482,058,417
OTHER	38,259,323	38,160,615
.		
TOTAL	<u>\$1,112,357,827</u>	<u>\$ 1,110,574,682</u>
.	HEALTH	
.	Governor	House
GR	\$232,072,918	\$ 234,657,980
FEDERAL	576,810,056	577,606,853
OTHER	28,686,850	28,041,392
.		
TOTAL	<u>\$837,569,824</u>	<u>\$ 840,306,225</u>
.	Senate	Final
GR	\$234,731,649	\$ 230,529,204
FEDERAL	570,502,058	571,858,282
OTHER	27,241,392	27,241,392
.		
TOTAL	<u>\$832,475,099</u>	<u>\$ 829,628,878</u>
DAN HAUG		

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 11 - Social Services

.	Governor	House
GR	\$1,582,923,462	\$1,586,222,749
FEDERAL	3,369,410,907	3,393,757,370
OTHER	1,637,790,502	1,658,490,502
.		
TOTAL	<u>\$6,590,124,871</u>	<u>\$6,638,470,621</u>

.	Senate	Final
GR	\$1,554,294,088	\$1,573,140,417
FEDERAL	3,321,754,093	3,390,144,700
OTHER	1,680,390,239	1,680,832,676
.		
TOTAL	<u>\$6,556,438,420</u>	<u>\$6,644,117,793</u>
DAN HAUG		

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 12 - Elected Officials, Judiciary, Public Defender & General Assembly

.	ELECTED OFFICIALS	
.	Governor	House
GR	\$ 48,435,005	\$ 48,410,819
FEDERAL	23,358,160	23,358,160
OTHER	46,745,482	43,436,553
.		
TOTAL	<u>\$118,538,647</u>	<u>\$115,205,532</u>
.	Senate	Final
GR	\$ 48,096,856	\$ 48,501,656
FEDERAL	23,358,160	23,358,160
OTHER	46,839,935	46,689,935
.		
TOTAL	<u>\$118,294,951</u>	<u>\$118,549,751</u>
.	JUDICIARY	
.	Governor	House
GR	\$159,174,952	\$ 160,127,332
FEDERAL	10,284,578	10,284,578
OTHER	10,237,705	10,237,705
.		
TOTAL	<u>\$179,697,235</u>	<u>\$ 180,649,615</u>
.	Senate	Final
GR	\$163,731,465	\$ 164,129,636
FEDERAL	10,284,578	10,284,578
OTHER	10,237,705	10,237,705
.		
TOTAL	<u>\$184,253,748</u>	<u>\$ 184,651,919</u>
.	PUBLIC DEFENDER	
.	Governor	House
GR	\$31,530,606	\$ 31,530,606
FEDERAL	125,000	125,000
OTHER	2,976,491	2,976,491
.		
TOTAL	<u>\$34,632,097</u>	<u>\$ 34,632,097</u>

SPONSOR: Icet

HANDLER: Gross

.	Senate	Final
GR	\$33,986,366	\$ 32,836,366
FEDERAL	125,000	125,000
OTHER	2,976,491	2,976,491
.		
TOTAL	<u>\$37,087,857</u>	<u>\$ 35,937,857</u>

.	GENERAL ASSEMBLY	
.	Governor	House
GR	\$32,994,962	\$ 33,148,859
FEDERAL	0	0
OTHER	194,250	194,250
.		
TOTAL	<u>\$33,189,212</u>	<u>\$ 33,343,109</u>

.	Senate	Final
GR	\$33,288,562	\$ 33,248,859
FEDERAL	0	0
OTHER	194,250	194,250
.		
TOTAL	<u>\$33,482,812</u>	<u>\$ 33,443,109</u>

DAN HAUG

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 13 - Real Estate

.	Governor	House
GR	\$107,517,431	\$107,305,834
FEDERAL	23,496,176	23,496,176
OTHER	13,652,953	13,652,953
.		
TOTAL	<u>\$144,666,560</u>	<u>\$144,454,963</u>

.	Senate	Final
GR	\$106,402,818	\$106,190,419
FEDERAL	23,627,113	23,627,113
OTHER	13,640,476	13,640,476
.		
TOTAL	<u>\$143,670,407</u>	<u>\$143,458,008</u>

DAN HAUG

***** HB 14 *****

SPONSOR: Icet

HANDLER: Gross

CCS/SCS/HCS/HB 14 - Supplemental Appropriations

.	Governor	House
GR	\$ 34,803,298	\$ 19,497,642
FEDERAL	15,682,945	15,457,945
OTHER	73,653,132	69,928,132
.		
TOTAL	<u>\$124,139,375</u>	<u>\$104,883,719</u>

.	Senate	Final
GR	\$ 19,497,642	\$ 33,958,629
FEDERAL	15,457,945	15,682,945
OTHER	69,928,132	72,403,132
.		
TOTAL	<u>\$104,883,719</u>	<u>\$122,044,706</u>

DAN HAUG

***** HB 15 *****

SPONSOR: Icet

HANDLER: Gross

HB 15 - Supplemental Appropriations

.	Governor	House
GR	\$6,317,148	\$6,317,148
FEDERAL	0	0
OTHER	0	0
.		
TOTAL	<u>\$6,317,148</u>	<u>\$6,317,148</u>

.	Senate	Final
GR	\$6,317,148	\$6,317,148
FEDERAL	0	0
OTHER	0	0
.		
TOTAL	<u>\$6,317,148</u>	<u>\$6,317,148</u>

DAN HAUG

*** HB 16 ***

SPONSOR: Icet

HANDLER: Gross

SS/SCS/HCS/HB 16 - Supplemental Appropriations

.	Governor	House
GR	\$80,066,667	\$80,066,667
FEDERAL		
OTHER	8,333,333	8,333,333
.		
TOTAL	<u>\$88,400,000</u>	<u>\$88,400,000</u>

.	Senate	Final
GR	\$ 80,066,667	\$ 80,066,667
FEDERAL	0	0
OTHER	312,462,333	312,462,333
.		
TOTAL	<u>\$392,529,000</u>	<u>\$392,529,000</u>

DAN HAUG

*** HB 17 ***

SPONSOR: Icet

HANDLER: Gross

HCS HB 17 Icet, Allen

***** NO BILL SUMMARY *****

SPONSOR: Icet

HANDLER: Gross

SCS/HCS/HB 18 - Capital Improvements

YEAR 1

.	Governor	House
GR	\$72,079,240	\$72,079,240
FEDERAL	3,173,382	3,173,382
OTHER	7,356,611	7,356,611
.		
TOTAL	\$82,609,233	\$82,609,233

.	Senate	Final
GR	\$72,079,240	\$72,079,240
FEDERAL	3,173,382	3,173,382
OTHER	7,356,611	7,356,611
.		
TOTAL	\$82,609,233	\$82,609,233

YEAR 2

.	Governor	House
GR	\$75,289,639	\$75,289,639
FEDERAL	3,173,381	3,173,381
OTHER	7,207,433	7,207,433
.		
TOTAL	\$85,670,453	\$85,670,453

.	Senate	Final
GR	\$75,289,639	\$75,289,639
FEDERAL	3,173,381	3,173,381
OTHER	7,207,433	7,207,433
.		
TOTAL	\$85,670,453	\$85,670,453

DAN HAUG

SPONSOR: Cunningham

HANDLER: Mayer

HCS#2/HB 28 -This act allows common household goods common carriers to file applications to the State Highways and Transportation Commission for approval of rates to reflect increases and decreases in the carrier's costs. The filing of the applications shall be governed by similar rules that govern rate adjustments requested by electrical gas or water companies. The applications shall be made in such form as the commission determines (Section 387.075).

The act also repeals the exemption that currently allows intrastate household goods movers to operate wholly in municipalities, between contiguous municipalities, or commercial zones without having to obtain MoDOT operating authority. Currently, household movers are exempt from the rules and regulations of Chapter 390, RSMo, if their operations are restricted to those described areas. The repeal of this exemption will start January 1, 2008 (Section 390.030).

The household good mover provisions are similar to the ones contained in SB 45 and SB 39 (2007).
STEPHEN WITTE.

SPONSOR: Portwood

HANDLER: Loudon

SCS/HB 41 - This act modifies various provisions relating to law enforcement.

SECTION 43.030

Under this act, the Superintendent shall no longer be required to reside in Jefferson City. The Superintendent shall be appointed from the uniformed membership of the Patrol.

SECTION 43.050

The Superintendent may enter into an agreement with the Missouri Gaming Commission to enforce any law, rule, or regulation, conduct background investigations under the laws of this state, and enforce the regulations of licensed gaming activities. Members of the patrol hired in conjunction with such an agreement are not subject to the personnel cap. If such an agreement is terminated, the members shall not be subject to the personnel cap for five years, rather than three years. Currently, all members of the patrol hired in conjunction with the community-oriented policing services federal grant are not subject to the personnel cap. Under this act, only those member positions originally acquired in conjunction with the grant shall be exempt.

SECTION 43.090

The provision requiring the board of public buildings to provide offices for the Highway Patrol General Headquarters in Jefferson City is also repealed. This act modifies the staffing and administrative requirements that the Superintendent must meet at the general headquarters and troop headquarters.

SECTION 43.220

This act removes reference to the Missouri State Highways and Transportation Commission's power over the Patrol from statute.

SECTION 43.530

Currently, an entity making a request, as required by law, for criminal history record information that is not based on a fingerprint search must pay a fee of not more than \$5 per request. Entities making requests not required by law cannot be charged more than \$10. Under this act, an entity cannot be made to pay more than \$9 dollars for such a request regardless of whether required by law. However, after January 1, 2010, the Superintendent of the Highway Patrol may increase the fee by not more than \$1 per year. Under no circumstances shall the fee exceed \$15 dollars per request.

Currently, an entity making a request for criminal history record information that is based on a fingerprint search must pay a fee of not more than \$14 per request when such request is required by law. When not required by law, the entity may be charge not more than \$20 for such request. Under this act, an entity cannot be charged a fee of more than \$20 dollars for criminal history record information based on a fingerprint search, unless the request is required by the concealed carry endorsement statute or the foster home, residential care facility, or child placing agency licensing statutes, in which case, the fee shall be \$14.

SECTION 43.546

This act allows any state agency, board, or commission to require an applicant to provide fingerprints in specified occupations or appointments for the purposes of positive identification and receiving criminal history record information when determining the applicant's ability to serve in such an occupation or appointment.

In order to do so, the applicant or employee must submit a set of fingerprints. These fingerprints and

SPONSOR: Portwood

HANDLER: Loudon

the accompanying fees are forwarded to the Highway Patrol to search the state criminal history repository and the FBI for a national criminal background check. All records related to any criminal history information discovered shall be accessible to the state agency making the request.

SECTION 43.547

This act requires the Highway Patrol, at the direction of the Governor, to conduct name or fingerprint background investigations of gubernatorial appointees. The Governor's directive shall state whether such background investigation shall be a name or fingerprint background investigation. If a fingerprint background investigation is ordered, the appointee must submit a set of fingerprints. These fingerprints and the accompanying fees are forwarded to the Highway Patrol to search the state criminal history repository and the FBI for a national criminal background check.

In addition to the name and fingerprint background investigations, the Highway Patrol may, at the Governor's direction, conduct other investigations to determine if an applicant or appointee has paid his or her required taxes and establish the person's suitability for positions of public trust.

The background investigations may include criminal history record information and other source information obtained by the Highway Patrol.

SECTIONS 84.120 & 84.170

This act allows the St. Louis Board of Police Commissioners to delegate portions of its jurisdiction to hearing officers. At the discretion of the board, a hearing officer may preside over disciplinary matters, prepare reports to the board, and make recommendations to the board as to the allegations made during a disciplinary matter and the appropriateness of the recommended discipline. This act outlines the process for selecting hearing officers. After a hearing officer is chosen and presides over a matter, such hearing officer shall become ineligible until all hearing officers listed have been utilized, at which time the list shall renew.

The St. Louis Board of Police Commissioners shall retain authority to render a final decision after a review of the evidence and reports of the hearing officer.

SECTION 86.365

This act repeals an obsolete provision which allows the police department of the City of St. Louis to hire certain retired police officers as special advisors.

SECTIONS 195.503 & 650.120

This act allows grant money received by multijurisdictional Internet cyber crime law enforcement task forces to be used to purchase necessary equipment, supplies, and services. Currently, the grant money received by such task forces may only be used to pay law enforcement salaries and to provide training.

Currently, multijurisdictional enforcement groups under Chapter 195, RSMo, are allowed to investigate computer, Internet-based, narcotics, and drug violations. This act changes the definition of such groups in Section 195.503, RSMo, to reflect this power. Under this act, multijurisdictional enforcement groups are allowed to received grant money to investigate internet sex crimes against children.

This act allows up to 3% of the money appropriated to the Department of Public Safety for the grant

SPONSOR: Portwood

HANDLER: Loudon

program to be used for administrative costs.

The arrest power of peace officers authorized as a member of a multijurisdictional Internet cyber crime law enforcement task force shall only be used when the officer is an active member of such task force and within the scope of the investigation. The officers shall have the power of arrest anywhere in the state and shall provide prior notification to the local police chief or sheriff of an arrest in his or her jurisdiction. However, if exigent circumstances exist, such arrest may be made and notification shall be made to the police chief or sheriff as soon as possible. The police chief or sheriff may elect to work with task forces within his or her jurisdiction.

SECTION 590.040

Under this act, persons serving as a reserve officer on August 27, 2001, within a county of the first classification or St. Louis County, having previously completed a minimum of 160 hours of training, shall be granted a license necessary to function as a reserve peace officer within such county.

This act is similar to HB 923 (2007), SB 1097 (2006), & SCS/SB 477 (2007), SS/SB 654 (2007), SCS/SB 256 (2007), SCS/SB 531 (2007), HCS/HB 331 (2007), HCS/HB 405, HCS/HB 406 (2007), SS/HB 744 (2007), HCS/SCS/SB 52 (2007), HCS/SCS/SB 104 (2007), HCS/SS/SCS/SBs 239, 24, & 445 (2007), HCS/SS/SCS/SB 429 (2007), SS/SCS/HB 69 (2007), SCS/HB 42 (2007), HCS/HB 923 (2007), HB 849 (2007), HB 960 (2007), HCS/SCS/SBs 369 & 550 (2007).

This act contains an emergency clause.

SUSAN HENDERSON MOORE

SPONSOR: Sater

HANDLER: Goodman

HB 56 - This act designates several memorial highways and a memorial bridge. Specifically, the act designates the following highways and bridges:

- (1) A portion of State Highway 112 in Barry County as the "Deputy Christopher Lee Castetter Memorial Highway";
- (2) A portion of State Route M in the City of Barnhart as the "Officer Stephen Strehl Memorial Highway";
- (3) A portion of U. S. Highway 61/67 in the City of Barnhart as the "1922 Sulphur Springs Rail Disaster Memorial Highway";
- (4) A portion of State Highway 110 in Jefferson County as the "DeSoto Railroad Employees Memorial Highway."
- (5) A portion of Interstate 44 from the city limits of St. Louis to the intersection of Kingshighway as the "Officer Michael Barwick Memorial Highway";
- (6) The new bridge over the Missouri River on Interstate 29/35 in Kansas City as the "Christopher S. Bond Bridge"; and
- (7) A portion of State Route 7 from the south edge of the city limits of Blue Springs south to the intersection of U. S. Highway 50 as the "Larry Stewart Secret Santa Memorial Highway".

This act also designates a portion of Missouri Route 74/34 within Cape Girardeau County as the "John Oliver Jr. Parkway." The act also designates a portion of U.S. Highway 60 contained in Stoddard County as the "Sergeant Carl Dewayne Graham Jr. Memorial Highway". Costs for such designation shall be paid by the Missouri Troopers' Association. This portion of the act is similar to SB 232 (2007).

STEPHEN WITTE

SPONSOR: Ruestman

HANDLER: Nodler

HB 62 - This act designated a Department of Agriculture state office building in Jefferson City as the "George Washington Carver Building".

JIM ERTLE

***** HB 75 *****

SPONSOR: Sutherland

HANDLER: Mayer

HB 75 - Current law permits the Department of Natural Resources to enter into cooperative agreements with non-profit organizations that provide cooperative, interpretive, or educational services to any one state park. This act adds facility enhancement to the list of permissible activities for a cooperative agreement and allows organizations to provide services to any state park as opposed to just one.

The act allows the Department to provide incidental staff support to an organization with which the Department has a cooperative agreement.

Cooperative agreements created under this act must require the organizations to reimburse the Department for actual costs of park facility space and staff support as well as demonstrate the fiscal, interpretive, educational, and facility enhancement benefits to the state.

Proceeds from the sale of any services provided under a cooperative agreement must be used by the cooperative organization for interpretive or educational services in state parks.

This act is identical to perfected SB 198 (2007).

ERIKA JAQUES

***** HB 98 *****

SPONSOR: Parson

HANDLER: Scott

HCS/HB 98 - This act authorizes each area agency on aging to establish a program that provides for volunteers to provide transportation services for elderly persons to health care facilities for scheduled appointments or for other health care-related purposes. Volunteers shall utilize their own vehicles and may be reimbursed by the agency for miles driven in providing such transportation services. The agency may encourage passengers to reimburse the agency for all or part of the cost of providing such services. Subject to appropriations, each area agency may request funding of up to \$1,000 annually per county for each county within the agency's jurisdiction from the Department of Health and Senior Services to assist with the costs of administering this program.

The provisions of this act shall sunset in six years.

This act is substantially similar to SB 14 (2007).

ADRIANE CROUSE

***** HB 134 *****

SPONSOR: Guest

HANDLER: Nodler

SS/HB 134 - Currently, the University of Missouri is required to make an annual appropriations request under capital improvements for a program of grants established for the University of Missouri engineering colleges for the purpose of assisting these colleges in the purchase of certain equipment.

The termination date of this act is extended from June 30, 2007 until June 30, 2017.

MICHAEL RUFF

SPONSOR: Sander

HANDLER: Rupp

HCS/HB 181 - Beginning January 1, 2008, this act requires each publisher or manufacturer of electronic video instructional materials to provide closed or open captioning on such materials designed for use in educational institutions. This requirement shall not apply to certain materials and transmission methods. If a publisher fails to comply with the requirements, the entity that paid for the materials may receive damages of 3 times the amount paid to have them captioned.

This act is similar to SB 435 (2007).

ERIKA JAKUES

SPONSOR: Bruns

HANDLER: Stouffer

HCS/HB 182 - This act establishes the Outside the Hospital Do-Not-Resuscitate Act. A patient or patient's representative and the patient's attending physician may execute an outside the hospital do-not-resuscitate order and a copy of the order shall be included as the first page of a patient's medical record. The Department of Health and Senior Services must develop and approve uniform forms and personal identifiers. The identifiers must alert any emergency medical technician, paramedic, first responder, or other health care provider of the existence of this order for the patient. The outside the hospital do-not-resuscitate order will only be effective when the patient has not been admitted to or is not being treated within a hospital.

The outside the hospital do-not-resuscitate orders and protocols will not authorize the withholding or withdrawal of other medical interventions such as intravenous fluids, oxygen, or therapies other than cardiopulmonary resuscitation. Such an order will not be effective when a patient is pregnant or when it is believed in good faith that a patient is pregnant. Emergency medical technicians, paramedics, first responders, and other health care providers are required to comply with an outside the hospital do-not-resuscitate order or identifier unless the patient or patient's representative expresses to the personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated. A physician or a health care facility other than a hospital that is unwilling or unable to comply with this order must take all reasonable steps to transfer the patient to another physician or facility where the order will be followed.

The act specifies individuals and entities that are exempt from civil or criminal liability for withholding or withdrawing resuscitation pursuant to an order or identifier as long as the actions were performed in good faith and without gross negligence. Anyone who knowingly conceals, cancels, defaces, or obliterates an order or identifier without the individual's consent or knowingly falsifies or forges a revocation will be guilty of a Class A misdemeanor. Anyone who knowingly executes, falsifies, or forges an order without the individual's consent or knowingly conceals or withholds the knowledge of a revocation of an order will be guilty of a Class D felony.

This act is identical to SB 658 (2007).

ADRIANE CROUSE

SPONSOR: Dempsey

HANDLER: Rupp

HCS/HB 184 - This act establishes the Children's Services Protection Act which requires any city or county that has levied a sales tax for providing services to children in need under Section 67.1775, RSMo, to reimburse the community children's services fund the amount of tax revenue that is used for or diverted to any tax increment financing project approved or adopted after August 28, 2007.

JASON ZAMKUS

SPONSOR: Marsh

HANDLER: Griesheimer

SS/HB 205 - This act modifies various provisions relating to the promotion of tourism.

This act extends the expiration date from June 30, 2010 to June 30, 2015 for the Division of Tourism Supplemental Revenue Fund.

This act allows the City of Sullivan and the portion of the Sullivan C-2 School District located in Franklin County to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels, motels, bed and breakfast inns and campgrounds or docking facilities. The proposed tax must be submitted to the voters and shall not be less than two percent or greater than five percent per occupied room per night.

This act allows cities, towns, and villages within Clay County, Franklin County, Boone County, Jasper County or Jackson County, to form a Theater, Cultural Arts, and Entertainment District. Such counties and St. Charles County may also form such a district. Counties, cities, towns, and villages that adopt transect-based zoning may also form such districts. Currently, only municipalities in St. Charles are allowed to form such a district.

This act requires a Theater, Cultural Arts, and Entertainment District to be a minimum of 25 contiguous acres in size, rather than 50 acres. This act requires the governing body of the city or county in which a district is proposed to pass a resolution describing the district when a petition for its creation is filed. It specifies that a district may be created to fund and provide infrastructure.

This act states that if there is a conflict between the zoning or subdivision ordinances of a municipality that are based upon transect-based zoning and the provisions of any ordinance of another political subdivision with respect to street configuration, the municipality's ordinances shall prevail.

This act is similar to CCS/HCS/SB 81 (2007), SS/SCS/HB 69 (2007), CCS/HCS/SS/SCS/SB 22 (2007), HB 595 (2007), HCS/HB 624 (2007), SCS/HCS/HB 795 (2007), & HCS/HB 919 (2007), CCS/HCS/HB 376 (2007).

SUSAN HENDERSON MOORE

***** HB 220 *****

SPONSOR: Stevenson

HANDLER: Nodler

HB 220 - This act makes a technical correction to section 456.5-501, RSMo, of the Missouri Uniform Trust Code by changing an intersectional reference.

This act is identical to SB 398 (2007).

ALEXA PEARSON

***** HB 221 *****

SPONSOR: Yates

HANDLER: Loudon

HCS/HB 221 - The act modifies the laws regarding motor vehicle service contracts and product service agreements.

The act repeals the existing provisions relating to motor vehicle extended service contracts found in Chapter 407, RSMo, and transplants the provisions into Chapter 385, RSMo. With respect to motor vehicle extended service contracts, the act defines the term "fronting company" as a dealer that authorizes a third-party administrator or provider to use its name or business to evade or circumvent a sale, an offer for sale, or a solicitation of a sale of a service contract to a consumer. The act further prohibits an unlicensed motor vehicle or boat dealer from selling a motor vehicle service contract to a consumer and prohibits a dealer from acting as a fronting company.

The act further creates similar provisions for service contracts, to wit, the act prohibits persons from issuing or selling service contracts without registering and paying applicable fees to the Department of Insurance; sets forth financial reserve requirements for service contract providers; and requires providers to furnish written statements to consumers outlining their obligations, conveying terms and restrictions. The act requires service contract providers to maintain accurate records of every transaction for a period of at least three years after the specified period of coverage has expired. Records must be made available to the department upon request.

These provisions are similar to those contained in SCS/SB 197 (2007), SS/SCS/SB 895, SB 991 and HB 1626 (2006).

The act has an effective date of January 1, 2008.

STEPHEN WITTE

***** HB 264 *****

SPONSOR: Cunningham

HANDLER: Rupp

HB 264 - This act would allow the State Board of Education to invest in government securities offered at a discount or at less than par value.

This act is identical to SB 132 (2007) and SB 143 (2007).

JIM ERTLE

***** HB 268 *****

SPONSOR: Moore

HANDLER: Vogel

HB 268 - This act authorizes the Governor to convey a permanent biking and hiking trail easement over, on, and under state property in Callaway County to the City of Fulton.

SUSAN HENDERSON MOORE

***** HB 272 *****

SPONSOR: Viebrock

HANDLER: Goodman

HCS/HB 272 - This act designates the three-toed box turtle as the official reptile of the state of Missouri.

JIM ERTLE

SPONSOR: Cooper

HANDLER: Engler

SCS/HCS/HB 298 - This act creates the Missouri Blasting Safety Act.

The act requires individuals who use explosives to have a blaster's license or be supervised by a person with a blaster's license, with exceptions as listed. The act directs the Division of Fire Safety to create a blaster's licensing program. The act lays out qualifications for license applicants, which include completing an approved blaster's training course and passing a licensing examination. Licenses are valid for three years and may be renewed upon the applicant meeting renewal requirements as specified in the act. Blaster's licenses shall be required within 180 days of the division promulgating licensing rules.

The division may suspend or revoke a license in circumstances as described in the act. In such a case, the division shall provide written notice to the individual in question and that individual must surrender all copies of the license to the division as well as cease all blasting activity. The decision to suspend or revoke a license may be appealed by the individual to the state blasting safety board. Any decision by the board shall be made within thirty days of the date the appeal is received by the board.

License reciprocity is available to individuals holding a valid license or certification from another source within the last three years provided all requirements meet or exceed the provisions laid out in this act. A license may also be granted to anyone employed as a blaster on or before December 31, 2000, and who has accumulated one thousand hours of training or education and experience.

The act specifies additional requirements for blasting activities within a scaled value of 55 (a measurement taking into account distance and the weight of the explosives being used) of an "uncontrolled structure," defined as any dwelling, public building, school, church, commercial building, or institutional building not owned or leased by the blaster. Blasting within this range requires the use of a seismograph, and must comply with federal ground vibration limits (or approved alternate method) and acoustic limits as described in the act.

People intending to use explosives must register with the Division of Fire Safety prior to first use. Those required to register must file an annual report and pay a fee based on the number of pounds of explosives used during the year. There is a minimum fee of \$500 in addition to a fee per ton of explosives used during the year not to exceed \$2 per ton.

The act creates the State Blasting Safety Board. Composed of seven members appointed by the Governor, members shall represent the following areas of interest: municipal or county director of public works; surface mining operations subject to these provisions; construction operations subject to these provisions; contract blast monitoring service provider; explosives manufacturer or distributor; and the State Fire Marshal. The board will advise the Division of Fire Safety on administering and enforcing the act's provisions and hold hearings on appeals and notices of violations.

The act creates the Missouri Explosives Safety Act Administration Fund. The State Fire Marshal shall submit a report to the State Blasting Safety Board annually detailing the revenue in the fund generated by fees, and how that revenue was spent.

Notices of violations and how they shall be issued are detailed in the act. Any person receiving such a notice has the opportunity to request a hearing before the state blasting safety board. Decisions by the board may be appealed to the Administrative Hearing Commission.

The act creates several notification requirements for blasting. Blasters must notify the Division of

SPONSOR: Cooper

HANDLER: Engler

Fire Safety at least two business days prior to blasting at a new site. Blasters must notify a local fire protection official. Blasting within the jurisdiction of a municipality requires notification of the municipality at least two business days in advance. Owners or occupants of residences or businesses in a municipality located within a scaled value of 55 of the blasting must be notified.

Except for ordinances in St. Louis County, the provisions of this act preempt existing local laws regarding blasting activities although it allows municipalities to regulate blasting within their jurisdictions provided they do not amend, exceed or conflict with any of the provisions of this act. An exception is also granted for laws in effect as of January 1, 2007 in St. Charles County that pertain to blasting at quarries.

Individuals in violation of any of the act's provisions may be subject to a civil penalty of up to \$2,000 for a first violation and up to \$5,000 for a second or subsequent violation except that anyone blasting without a license shall be guilty of a Class B misdemeanor for a first offense and a Class A misdemeanor for a second offense. Anyone convicted of a class A misdemeanor related to this act shall be permanently banned from obtaining a blaster's license.

This act is similar to SB 155 (2007), perfected SB 882 (2006), and SB 470 (2005).

ERIKA JAQUES

SPONSOR: Richard

HANDLER: Griesheimer

SS/SCS/HCS/HB 327 - This act creates new economic development programs and modifies provisions of the Film Production Tax Credit Program, the Quality Jobs Program, the Enhanced Enterprise Zone Program, and the New Jobs Training Program.

DISTRESSED AREAS LAND ASSEMBLAGE TAX CREDIT PROGRAM

This act creates the distressed areas land assemblage tax credit program, administered by the department of economic development. Tax credits issued under the distressed area land assemblage tax credit act, are non-refundable, fully transferrable income, corporate franchise, and financial institutions, tax credits. Tax credits issued under the act will be equal to fifty percent of the acquisition costs for the land, and one hundred percent of the interest costs. The tax credit program is capped at one hundred million dollars and the total amount of tax credits issued annually is limited to twelve million dollars. The authorization of land assemblage tax credits after August 28, 2013, is prohibited, but land assemblage tax credits authorized on or before August 28, 2013, but not yet issued, may be issued until all such credits have been issued.

SECTIONS 135.535 & 135.562

The act enables a taxpayer making less than \$30,000 per year who modifies their home to be accessible to a disabled person who resides with the taxpayer to claim a credit against their income tax for one hundred percent of the costs of modification, up to \$2,500. For taxpayers making between \$30,000 and \$60,000, a credit will be allowed in the amount equal to fifty percent of the costs of modification, up to \$2,500. All tax credits will be refundable, up to \$2,500 per year. The credits are not transferrable. The credit has a statewide maximum of \$100,000 per year. If ten million dollars in tax credits are not approved, for programs authorized under the rebuilding communities tax credit program, then up to the first one hundred thousand dollars in tax credits shall be used for the home modification tax Credit created by this act.

A taxpayer is ineligible to be issued tax credits for such modifications two years in a row. The tax credit amount will be offset by a sufficient amount to account for a taxpayer's use of such modification as a deduction from federal adjusted gross income or any other state or federal income tax credits.

The credit applies to tax years beginning January 1, 2008, and expires December 31, 2013.

The modifications to these sections are similar to Senate Bill 877 (2006).

NEW MARKETS TAX CREDIT PROGRAM

This act provides an income tax credit in an amount equal to the applicable percentage of the adjusted purchase price paid to the issuer of a qualified equity investment. The amount of investments in any one qualified low-income community business which may be used for calculating the amount of tax credits is limited to ten million for such business including investments in any affiliates of such business. The applicable percentage is zero percent for each of the first two credit allowance dates and seven percent for the third credit allowance date and eight percent for the next four credit allowance dates. The tax credit is non-refundable and non-transferrable, but tax credits earned by "pass - through entities" may be allocated to the partners, members, or shareholders of the entity for their direct use. To the extent that the tax credits issued exceed a taxpayer's liability, the remaining tax credits may be carried forward to the taxpayer's five subsequent tax years. The Department of Economic Development must limit the amount of investments to a level necessary to limit tax credit utilization to no more than fifteen million dollars per fiscal year without regard to the potential for taxpayers carrying forward credits to later years. The act

SPONSOR: Richard

HANDLER: Griesheimer

contains provisions allowing the Department of Economic Development to recapture tax credits issued under the act in certain situations.

This section contains a sunset provision and a reauthorization procedure for fiscal years following fiscal year 2010. For fiscal years following fiscal year 2010, annual reauthorization must be made in the form of a concurrent resolution clearly describing the amount of tax credits which will be made available for the next fiscal year, unless provisions of the Missouri Sunset act require reauthorization by general law. The sunset date and annual reauthorization requirement shall not preclude a taxpayer who makes a qualified equity investment prior to the such date from claiming credits issued under the act.

FILM PRODUCTION TAX CREDIT PROGRAM

The act modifies provisions of the film production tax credit program by lowering the minimum expected in-state budget expenditure, from \$300,000 to \$50,000 for qualified film production projects less than thirty minutes in length or to \$100,000 for a project longer than thirty minutes, for tax years beginning on or after January 1, 2008. The act removes the limitation on the amount of tax credits which may be issued annually per taxpayer for all tax years beginning on or after December 31, 2007. The annual aggregate cap on all tax credits certified under the program is increased from one million five hundred thousand dollars to ten million dollars. The amount of the tax credit is reduced, beginning January 1, 2008, from fifty percent to thirty-five percent of the amount of qualifying expenses.

The provisions of this section will automatically sunset in six years if not re-authorized.

This section is similar to House Bill 360 (2007).

ENHANCED ENTERPRISE ZONE PROGRAM

The act:

- (1) Increases the cap on the amount of tax credits that can be issued in a calendar year for the program from seven million dollars per year to twenty-five million dollars per year;
- (2) Modifies the definition of an "employee" to a person employed by the enhanced business enterprise that is scheduled to work an average of at least 1,000 hours per year. Health insurance must be offered to employees at all times and must be partially paid by the employer. Currently, the definition of an "employee" includes full-time, part-time, and seasonal employees;
- (3) Adds educational services, religious organizations, and public administration to the list of entities which are prohibited from being enhanced business enterprises. However, headquarters or administrative offices which would otherwise be excluded may qualify for benefits if the offices serve a multi-state territory. Currently, utilities regulated by the Missouri Public Service Commission are excluded from being an enhanced business enterprise. The act changes this to public utilities with a NAICS code 221, including water and sewer services;
- (4) Allows speculative industrial or warehouse buildings constructed by a public entity, or a private entity if the land is leased by a public entity, to be exempt from ad valorem taxes, upon the approval of the governing authority. If the speculative building is owned by a private entity, the exemption cannot exceed two years. If it is owned or leased by a public entity, the exemption cannot exceed five years. Currently, only enhanced business enterprises can be exempt from these taxes; and
- (5) Requires the department to verify through the Department of Revenue that the tax credit applicant does not owe any delinquent taxes, interest, or penalties and to verify through the Department of Insurance, Financial Institutions, and Professional Registration that the applicant does not owe any delinquent insurance taxes prior to issuing any tax credits. The amount of tax credits issued will be reduced by any tax delinquency.

SPONSOR: Richard

HANDLER: Griesheimer

MOTOR FUEL TAX EXEMPTIONS

Under this act, motor fuel used to operate public mass transportation service by a city transit authority, a city utilities board, or an interstate transportation authority, as such terms are defined in section 94.600, RSMo, a city, or an agency receiving funding from either the Federal Transit Administration's urban or nonurban formula transit programs is exempt from the state's motor fuel tax.

SALES TAX EXEMPTIONS FOR MANUFACTURING

This act exempts purchases of certain energies, gases, utilities, chemicals, machinery and equipment used in the manufacture or processing of products including those consumed in the processing of recovered materials from state and local sales and use taxation.

NEW JOBS TRAINING PROGRAM

The act:

- (1) Allows community college districts to sell certificates until July 1, 2018. Currently, they cannot sell certificates after July 1, 2008; and
- (2) Extends the program until July 1, 2028. Currently, it will expire on July 1, 2018.

SECTION 178.715

Residents of certain counties in the southeast part of the state are authorized to create a taxing district for the purposes of creating a vocational school in that part of the state.

QUALITY JOBS PROGRAM

The act:

- (1) Increases the cap on the amount of tax credits that can be issued in a calendar year for the program from twelve million dollars to thirty million dollars;
- (2) Allows tax credits to offset taxes due from financial institutions under Chapter 148, RSMo. Currently, the credits can only be used to offset state income taxes imposed by Chapter 143;
- (3) Modifies the definition of "withholding tax" to a computation using a schedule determined by the Department of Economic Development based on average wages. Currently, the definition is the state tax imposed by Sections 143.191 - 143.265;
- (4) Allows the calendar year's maximum amount of quality jobs tax credits issued to a qualifying company that participates in both the Quality Jobs Program and the New Job Training Program to be increased by an amount equivalent to the withholding tax retained by that company under the New Job Training Program if the combined benefits do not exceed the projected state benefits of the project;
- (5) Requires that if the calendar year's annual maximum amount of quality jobs tax credits issued to any qualified company is increased by \$1 million, the number of new jobs must exceed 500. Currently, this increase in tax credits can occur by receiving the approval of the department and the Quality Jobs Advisory Task Force;
- (6) Specifies the method in which the county average wage will be calculated when a qualified company relocates employees from one county to another;
- (7) Revises the definition of "full-time employee" from an employee who works an average of 35 hours per week to an employee of the qualified company that is scheduled to work an average of 35 hours per week, but leaves the remaining requirements of the definition unchanged;
- (8) Changes the calculation of "new direct local revenue" so that local earnings taxes are excluded;
- (9) Specifies that no jobs created before the notice of intent will be considered new jobs;
- (10) Specifies the method in which new payroll will be calculated;

SPONSOR: Richard

HANDLER: Griesheimer

(11) Adds educational services, religious organizations, public administration, and utilities regardless of whether or not they are regulated by the Missouri Public Service Commission to the list of entities which are prohibited from being qualified companies. However, headquarters or administrative offices which would otherwise be excluded may qualify for benefits if the offices serve a multi-state territory;

(12) Allows qualified companies to retain withholding taxes once the minimum number of new jobs has been attained and the county average wage has been exceeded. A qualified company will not receive tax credits if in its annual report, the average wage is below the county average wage, the company has not maintained the required employee insurance, or if the number of new jobs is below the minimum;

(13) Creates a new tax credit within the program for small business job retention and flood survivors relief. The amount of the tax credit will be equal to the amount of withholding tax generated by the full-time jobs retained over a period of three years. The calendar year maximum amount of tax credits which may be issued for small business retention and flood survivor relief is two hundred and fifty thousand dollars, but such amount may be increased up to five hundred thousand dollars if proposed by the department of economic development. No tax credits for small business job retention and flood survivor relief may be issued after August 30, 2010. A qualified company is prohibited from receiving benefits under the job retention and flood survivor relief provisions of the Missouri Quality Jobs Act if such company received any state or federal benefits, incentives, or tax relief or abatement in locating its facility in a flood plain;

(14) Requires the department of economic development to give preference, in providing benefits under the quality jobs act, to qualified companies and projects targeted at areas of the state which have recently been classified as disaster areas by the federal government;

(15) Requires the department to verify through the Department of Revenue that the tax credit applicant does not owe any delinquent taxes, interest, or penalties and to verify through the Department of Insurance, Financial Institutions, and Professional Registration that the applicant does not owe any delinquent insurance taxes prior to issuing any tax credits. The amount of tax credits issued will be reduced by any tax delinquency;

(16) Allows qualified companies to receive tax credits for providing tuition reimbursement programs to certain employees. The tax credit is a non-refundable, fully transferrable income tax credit. To the extent that a taxpayer's Missouri income tax liability is exceeded by the amount of tax credits issued in a tax year for tuition reimbursement, the remaining tax credits may be carried forward five years until completely claimed.

The tuition reimbursement tax credit is an income tax credit equal to fifty percent of expenses incurred by a qualified company in providing tuition reimbursement to eligible employees, not to exceed five thousand dollars per eligible employee per year. The act prohibits a qualified company from receiving more than twenty-five thousand dollars in tuition reimbursement tax credits in any one tax year. The total number of tuition reimbursement tax credits issued annually shall not exceed two hundred and fifty thousand dollars; and

(17) Requires qualified companies which receive benefits under the Missouri quality jobs act, which knowingly hire unauthorized workers to forfeit such benefits and repay the state the amount of state tax credits redeemed or withholding taxes retained.

DETERMINATION OF NEXUS FOR TAXATION PURPOSES

The act modifies provisions of income, sales and use, and corporate franchise tax law to exclude certain business contacts and activities, conducted within the state, from consideration in the determination of whether nexus exists for tax purposes.

MODIFICATIONS TO TAX CREDIT DEFINITIONS & TRANSFERABILITY PROVISIONS

The act modifies the definitions of the terms "person" and "taxpayer" with regard to provisions

SPONSOR: Richard

HANDLER: Griesheimer

authorizing tax credit programs within chapters 32, 100, 135, 143, 173, 208, 348 & 620 RSMo, so as to include charitable organizations which are exempt from federal income tax. The act further amends the tax credit provisions contained in such chapters so as to allow for the full transferability of the tax credits authorized therein.

The act expands the state and local sales tax exemption for tangible personal property purchased for use or consumption in research and development of prescription pharmaceuticals to include utilities as well as tangible personal property used or consumed in such process as well as in the research and development of agricultural, biotechnology and plant genomics products.

The act modifies the tax credit for modifying a home for a disabled person such that a taxpayer is ineligible to be issued tax credits for such modifications two years in a row. The tax credit amount will be offset by a sufficient amount to account for a taxpayer's use of such modification as a deduction from federal adjusted gross income or any other state or federal income tax credits.

The act requires the Director of the Department of Revenue to calculate the levels of appropriation necessary to set the homestead exemption limit anywhere between one hundredth of one percent and five percent for reassessment years and one hundredth of one percent and two and a half percent for non-reassessment years. In doing so, the General Assembly could appropriate sufficient funds to offset any increase in property tax liability experienced by eligible taxpayers in a given year.

The act creates an income tax credit for the costs of constructing a qualified alternative fuel vehicle refueling property. The tax credit shall not exceed the lesser of twenty thousand dollars or twenty percent of the costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment. The cumulative amount of credits which may be claimed shall not exceed three million dollars for taxable year 2008. For taxable year 2009, the cumulative amount of tax credits which may be claimed is reduced to two million dollars, and for taxable year 2010, the amount is further reduced to one million dollars. The tax credit is non-refundable, but may be carried forward for two subsequent tax years. The tax credit is fully transferable. The act contains a recapture provision for refueling properties which cease sales of alternative fuel. The provisions of the tax credit program creating the tax credit program will automatically expire six years from the effective date of the act if not re-authorized.

The act creates an income tax deduction for tax year 2008, for a taxpayer's purchase of qualified hybrid vehicles. The deduction will equal the lesser of one thousand five hundred dollars or ten percent of the purchase price of the vehicle. The tax deduction must be taken in the year in which the purchase is made.

The act creates a tax credit for the purchase of e-85 gasoline or biodiesel or biodiesel-blended fuel. The tax credit will be equal to: twenty five cents per gallon of e-85 or five cents per gallon of biodiesel or biodiesel-blended fuel for 2008; twenty cents per gallon of e-85 or three cents per gallon of biodiesel or biodiesel-blended fuel for 2009 and 2010; and fifteen cents per gallon of e-85 or five cents per gallon of biodiesel or biodiesel-blended fuel for 2011 and each subsequent year. The tax credit must be for at least fifty dollars, but may not exceed five hundred dollars per taxpayer per year. The aggregate amount of tax credits which may be redeemed by all taxpayers in any given year shall not exceed five hundred thousand dollars. The tax credit is non-refundable, but may be carried forward three years. The provisions allowing for the tax credit for purchases e-85 gasoline and biodiesel or biodiesel-blended fuel will sunset six years from the effective date of the amendment unless re-authorized.

SPONSOR: Richard

HANDLER: Griesheimer

The act also creates a state sales tax exemption for fiscal year 2008, for purchases of automobiles designed to operate on eighty-five percent ethanol fuel. The act creates a state and local sales tax exemption for sales of new diesel-powered motor vehicles with a gross vehicle rating not exceeding eight thousand five hundred pounds.

Under current law, in order for a manufacturer to receive an exemption from sales tax for electrical energy used in the primary manufacture of a product, the manufacturer must prove that the total cost of electricity used exceeds ten percent of the total cost of production or that the raw materials used in the primary manufacture of a product contain at least twenty-five percent recovered materials. This act creates a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials.

The act creates the hunting heritage protection areas act. Subject to all applicable state and federal laws, the discharge of firearms for hunting, sport, and other lawful purposes shall not be prohibited in hunting heritage protection areas, which are defined as the 100-year floodplains of the Missouri and the Mississippi rivers as designated by the federal emergency management agency.

Certain areas are exempt from the act, which are: areas designated as "urbanized areas" according to the 2000 U.S. census; land used by facilities that are regulated by the federal energy regulatory commission; land used for the operation of physical ports of commerce and customs ports; land within Kansas City and St. Louis City; and land located within 1/2 mile of an interstate highway, as such highway exists as of August 28, 2007.

No new tax increment financing (TIF) project may be authorized in a hunting heritage protection area after August 28, 2007, except for the purposes of improving existing flood or drainage protection or for constructing or operating a renewable fuel production facility, provided that no new development results as a result of the projects. TIF projects or districts approved prior to the effective date of this act may make certain modifications.

The act exempts purchases of aviation jet fuel for transoceanic flights from state sales and use taxes. For purposes of calculating the existing sales tax exemption for aviation fuel purchased by common carriers or affiliate carriers, the amount of tax that would be owed, if not for the exemption created by this amendment, for purchases of aviation jet fuel on transoceanic flights may be used in arriving at the 1.5 million dollar maximum aggregate calendar year amount of state sales and use tax.

The act establishes the "Regional Railroad Authorities Act." The purpose of an authority established and operated under the act is to provide for the preservation, improvement, and the continuation of rail service for agriculture, industry, or passenger traffic and to provide for the preservation of railroad right-of-way for transportation uses, when determined to be practicable and necessary for the public welfare.

Under the act, every municipality or county within this state is authorized to form a regional railroad authority. A regional railroad authority may be organized by resolution or joint resolution adopted by the governing body or bodies of one or more counties. The governing body or bodies of a municipality or municipalities within a county or counties may request by resolution that the county or counties organize a railroad authority. If the county or counties do not organize an authority within ninety days of receipt of the request, the municipality or municipalities may organize an authority by resolution or joint resolution.

SPONSOR: Richard

HANDLER: Griesheimer

Before final adoption of an organization resolution, the governing body of each county or municipality named in it shall provide for a public hearing upon notice published in a newspaper of general circulation in the county or municipality. Upon the appointment and qualification of the commissioners first appointed to a regional railroad authority, the commissioners shall submit to the secretary of state a certified copy of each resolution adopted. The Secretary of State shall issue a certificate of incorporation if the resolution conforms to the requirements of this act.

All powers granted to an authority shall be exercised by its board of commissioners. Commissioners shall be appointed and vacancies in their office shall be filled by the governing body of each county or municipality named in the organization resolution, in accordance with the provisions of that resolution. The term of each commissioner shall be one year, or the remainder of the one year term for which a vacancy is filled, and until a successor is appointed. Commissioners shall receive no compensation for services but shall be reimbursed for necessary expenses incurred in the performance of their duties.

The authority may plan, establish, acquire, develop, construct, purchase, enlarge, extend, improve, maintain, equip, operate, regulate, and protect railroads, railroad properties and railroad facilities within its boundaries, including but not limited to terminal buildings, roadways, crossings, bridges, causeways, tunnels, equipment, and rolling stock.

The authority may exercise the power of eminent domain under Chapter 523, RSMo.

The state of Missouri and any political subdivision may transfer to any regional railroad authority or may place in its possession or control, by lease or other contract or agreement, either for a limited period or in fee, any property within a regional railroad authority district or any property wherever situated. The authority may establish charges and rentals for the use, sale, and availability of its property and service and may hold, use, dispose of, invest, and reinvest the income, revenues, and funds derived therefrom.

Every regional railroad authority, organized under the provisions of the act may issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction, establishment, acquisition, improvement, maintenance, protection and regulation of railroads and railroad facilities. The state shall not be liable on any notes or bonds of any regional railroad authority. No authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers.

The authority may enter into contracts including leases with any person, firm, or corporation, for terms the authority may determine:

- (1) Providing for the operation of any facilities on behalf of the authority, at the rate of compensation as may be determined;
- (2) Leasing a rail line for operation by the lessee or any facility or space therein for other commercial purposes, at rentals as may be determined, but no person may be authorized to operate a rail line other than as a common carrier;
- (3) Granting the privilege, for compensation as the authority shall determine, of supplying goods, commodities, services, or facilities along rail lines or in or upon other property; and
- (4) Making available services furnished by the authority or its agents, at charges, rentals, or fees

SPONSOR: Richard

HANDLER: Griesheimer

which shall be reasonable and uniform for the same class of privilege or service.

The act provides a method for dissolving the authority. If the governing body of any city or county that organized a regional railroad authority, votes to dissolve a regional railroad authority, it shall be dissolved effective the date of the approval of dissolution by the Highways and Transportation Commission. In the event of dissolution of a regional railroad authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis.

The act establishes the small business and entrepreneurial growth act for small business employers who expand their business by increasing the number of jobs and meeting certain qualifications. Beginning January 1, 2008, a qualified employer can retain the Missouri withholding tax from the salaries of the newly created jobs for one year; or if the employer pays more than 50% of the cost of the premiums for health insurance for all employees, the withholding tax can be retained for two years.

The act modifies several provisions of law relating to transportation development districts. The act modifies the definition of "qualified electors" to mean residents within a proposed district registered to vote and property owners who shall receive one vote per acre. The definition provides that any registered voter who is also a property owner must choose to vote as an owner or a registered voter. The act makes a technical change to what a transportation development petition must contain. The law currently provides that the petition must contain a proposal for funding a district, with a request that the funding proposal be submitted to the qualified voters residing in the proposed district. The act requires the TDD petition to set forth the estimated project costs and the anticipated revenues to be collected from the project. This amendment removes the word "residing" since that term is inconsistent with the portion of the TDD law that allows districts to be formed where there are no residents in the proposed district. The act provides for the de-annexation of property from a transportation development district but only with the unanimous consent of the property owners and the removal of such property will not materially affect the obligations of the district. The act modifies the process for submitting TDD plans to the state highways and transportation commission. The act provides for preliminary approval of a project by the commission. After such preliminary approval, the district may impose taxes and assessments. The act provides for the speedier transfer of a TDD project to the commission or local transportation authority provided the recipient consents.

The act requires municipalities, which are counties under the authority of the East-West Gateway Council of Governments, except for Franklin County, which desire to implement a tax increment financing project, to create a commission in the same manner as a first class county with a charter form of government having a population greater than nine hundred thousand. Such commission shall have twelve members with two members appointed by the school boards, one member to represent all other taxing jurisdictions, three members appointed by the county, and six members appointed by the cities in the county with tax increment financing districts.

This act requires cities, towns and villages, under the authority of the East-West Gateway Council of Governments, to receive prior approval of the county in which such city, town or village is located in order to implement a tax increment financing project.

The act prohibits tax increment finance projects in Greenfield areas located in municipalities under the authority of the east-west gateway council of governments. The act requires a two-thirds majority vote by the governing body of a municipality desiring to approve a tax increment finance project if the tax increment finance commission makes a recommendation in opposition.

SPONSOR: Richard

HANDLER: Griesheimer

The act makes tax credits issued for contributions to maternity homes fully transferrable.

The act creates an income tax credit in an amount equal to fifty percent of a contribution made by a taxpayer to an eligible organization for the preservation of Missouri's civil war sites. The tax credit is non-refundable, but may be carried forward five years until fully claimed. The tax credit is fully transferrable. The tax credit has an aggregate annual cap of one hundred thousand dollars and a per taxpayer annual cap of twenty five thousand dollars.

To the extent that tax credits remain unissued for the neighborhood assistance program, the first one hundred thousand dollars of such remaining tax credits shall be made available for issuance based upon contributions made to eligible organizations for the preservation of Missouri's civil war sites. The department of economic development shall certify organizations which qualify under the program. Upon certification, the department of economic development must notify the department of revenue as to an organization's certification status.

The act establishes the workforce investment board and repeals the Missouri Training and Employment Council Act including the Missouri training and employment council.

The act modifies the family development account program definition of community based organization to include any nonprofit corporation formed under chapter 355 RSMo, and decreases the amount of funds in the reserve account which may be used for administrative costs from twenty percent to fifteen percent.

The act modifies provisions of the small business investment tax credit as follows:

(1) Reduces the amount of the tax credit for a qualified investment in a small business from 40% to 30% of the investment, unless the small business is located in a distressed community, in which case the tax credit is reduced from 60% to 40%. A tax credit equal to 40% of an investment made in a small business located in a rural area is allowed. Tax credits will only be issued on investments up to \$100,000;

(2) Removes the 50% tax credit for investment in a community bank or community development corporation;

(3) Requires that \$10 million in tax credits be available each fiscal year for qualified investments in small businesses, regardless of the location of the business. Currently, the total amount of tax credits available for qualified investments in Missouri small businesses cannot exceed \$13 million with \$4 million reserved for distressed communities;

(4) Removes the requirement that \$500,000 be available for tax credits for qualified investments in Missouri small businesses, community banks, or community development corporations from the neighborhood assistance program; and

(5) Prohibits the Department of Economic Development from issuing certificates without the approval of the small business tax credit review committee, which must review and determine the eligibility of all tax credit applications.

The act repeals the crime of ticket scalping and limited the number of tickets which may be purchased by one purchaser at one time except for group sales.

The act exempts motor fuel used for school buses, by school districts or persons contracted with school districts to provide school bus services. The exemption provided by this act will be provided to

SPONSOR: Richard

HANDLER: Griesheimer

the school district for which the fuel is consumed in the form of a refund, regardless of whether the school district paid the tax or the tax was paid by persons contracted with the district to provide school bus services.

The act creates a non-refundable income and corporate franchise tax credit for sales of qualifying beef animals based upon such animal's weight at the time of first sale. The tax credit shall be equal to ten cents per pound above four hundred fifty pounds for the first sale, and ten cents per pound above the weight of the qualifying beef animal at the time of the first qualifying sale or four hundred fifty pounds, which ever is greater, for a subsequent sale. A qualifying beef animal must be certified by the agriculture and small business development authority and be born in this state after August 28, 2008, and raised or finished in this state.

The tax credit must be claimed in the year in which the qualifying sale is made. Qualifying beef tax credits are fully transferrable by notarized endorsement. To the extent the amount of tax credits for qualifying beef sales exceeds a taxpayer's corporate franchise or income tax liability, such remainder may be carried forward five years or back three years. The tax credit has an annual cap of ten million dollars and the cumulative amount of tax credits which may be issued under the amendment is limited to thirty million dollars.

In order to claim the tax credit authorized under the act, a taxpayer must submit an application to the agriculture and small business development authority at the end of each calendar year. If the taxpayer and qualified sale meet all of the requirements, the authority will then issue a tax credit certificate. All taxpayer information required in the application will be confidential, and may only be shared with state and federal animal health officials.

JASON ZAMKUS

***** HB 329 *****

SPONSOR: Cunningham

HANDLER: Scott

SCS/HCS/HB 329 - This act defines "reasonable consideration" that is allowed as remuneration for administering a debt management plan. Under such plans, debt adjusters may charge \$50 as a set-up fee, and the greater of \$35 per month or 8% of the amount distributed monthly to creditors.

Debt adjusters must provide a \$100,000 bond before administering a debt management plan.

This act is similar to SB 597 (2007).

CHRIS HOGERTY

***** HB 344 *****

SPONSOR: Munzlinger

HANDLER: Clemens

HB 344 - This act provides that any person who negligently damages or destroys any field crop product shall be liable only for compensatory damages. The act directs the court to consider both the market value of the crop and the actual damages incurred when awarding damages.

This act is identical to SB 315 (2007).

ERIKA JAQUES

***** HB 351 *****

SPONSOR: Wood

HANDLER: Goodman

HB 351 - This act designates the crayfish as the official invertebrate of the state of Missouri.
JIM ERTLE

***** HB 352 *****

SPONSOR: Hobbs

HANDLER: Scott

HB 352 - Under current law, the Commissioner of Administration must give a bidding preference consisting of a 5 point bonus to a sheltered workshop or a nonprofit organization for the blind when the work provided by the workshop or organization generates over \$5,000 annually. This act raises the bonus to 10 points if the participating nonprofit organization provides the greater of two percent or five thousand dollars of the total contract value of bids for purchase not exceeding ten million dollars.

Under current law, the Department of Elementary and Secondary Education must pay sheltered workshops \$13 multiplied by the number of 6-hour or longer days worked by handicapped workers. This act creates a graduated increase in payments to sheltered workshops. This act increases this payment so that, by July 1, 2010, and thereafter, the department shall pay \$95 for each standard workweek of up to and including 30 hours worked during a month and \$19 for each 6 hour or longer day worked on Saturdays or Sundays. Also, the workshop will receive a percentage of the amount normally paid based on the percentage of time worked for each handicapped worker employed for less than a 30-hour week or a 6-hour day on Saturdays or Sundays.

This act is substantially similar to SB 77(2007).
ADRIANE CROUSE

SPONSOR: Moore

HANDLER: Scott

HCS/HB 405 - The act removes references to the Missouri State Highways and Transportation Commission from statute and transfers any remaining powers of the Commission to the Superintendent of the Highway Patrol. A provision is removed that requires the Superintendent, members, and certain employees of the Patrol to give bond approved by the Commission.

Under this act, the Superintendent shall no longer be required to reside in Jefferson City or provide an annual report of the activities of the Patrol, in addition to the cost of such activities, to the Governor and the commission. The provision requiring the board of public buildings to provide offices for the Highway Patrol General Headquarters in Jefferson City is also repealed. This act modifies the staffing and administrative requirements that the Superintendent must meet at the general headquarters and troop headquarters.

The act requires the Superintendent to divide the state into troops, rather than districts, and assign members to such troops.

When members of the Patrol collect witness fees for testifying in civil cases, such fees shall be deposited into the fund from which the employee or member's position is funded, rather than being transmitted to the division of collection in the Department of Revenue.

Under this act, the Superintendent shall have the authority to direct members and other employees of the Patrol to carry out any public safety duty or service authorized or appropriated by the General Assembly.

This act contains an emergency clause.

This act is similar to SCS/SB 531 (2007), HCS/HB 331 (2007), HCS/HB 406 (2007), SS/HB 744 (2007), HCS/SCS/SB 52 (2007), HCS/SCS/SB 104 (2007), HCS/SS/SCS/SBs 239, 24, & 445 (2007), HCS/SS/SCS/SB 429 (2007), & SCS/HB 41 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Parson

HANDLER: Scott

SCS/HCS/HB 426 - This act creates the Missouri Propane Safety Act.

The act transfers the responsibility to regulate liquified petroleum gases from the Department of Agriculture to the Missouri Propane Gas Commission, which is created by the act.

The Missouri Propane Gas Commission is established within the Department of Agriculture. Nine members shall comprise the Commission, to be appointed by the Governor. Terms and affiliations of Commission members are listed.

The Commission shall employ an executive director and may employ other staff as needed. Surety bond requirements for commissioners and staff are listed. The Commission shall submit an annual report of its activities during the previous year to the Department of Agriculture, the Governor, and the General Assembly.

The act lists the powers of the Commission, which include the authority to maintain an office, conduct hearings, disburse funds, and promulgate rules. The Commission's duties include developing propane safety plans and programs, developing a statewide code for propane equipment installation, supervising the administration of liquified petroleum gas regulations, and suspending registrations pertaining to liquified petroleum gases.

The executive director's powers regarding enforcement of this act are listed.

Political subdivisions shall not adopt any local law in conflict with state requirements for liquified petroleum gases, however nothing shall restrict a political subdivision from establishing licensing requirements for the installation, repair, replacement, or maintenance of liquified petroleum gas and other fuel gas piping systems.

The Commission shall charge a per-gallon fee to owners of odorized propane in the state. The fee rate shall be an amount sufficient to yield approximately the revenue needed to cover the expenses of administering the provisions of the act, but the initial rate shall not exceed one-tenth of one cent per gallon. The fee maximum is twenty-five hundredths of one-cent. The Commission may annually adjust the rate, not to be increased by more than one-tenth of one cent per gallon in any year.

Owners of propane that is to be odorized and importers of odorized propane into the state shall pay the fee at the time of odorization or import, and shall remit such payment on a monthly basis.

The Commission shall set fees for permits, licenses, and certificates regarding liquified petroleum gases, and may alter the fee schedule once every two years. All fees collected shall be deposited into the Propane Inspection Fund, which is created in the act, for use in administering the act's provisions.

Persons who fail to pay any assessment or fee for liquified petroleum gases may be subject to a civil penalty of between \$500 and \$5000 per violation, in addition to a cease and desist order.

This act is similar to SCS/SB 453 (2007).

ERIKA JAKUES

SPONSOR: Cox

HANDLER: Scott

HB 428 - This act creates the State Fair Escrow Fund which will be maintained by the State Fair Commission. All ticket sales from the Missouri State Fair and any off-season event will be deposited into the fund as well as gifts, grants, contributions, and funds or benefits from any other source. Moneys in the fund may be used for costs associated with the fair or any off-season event and may include expenses and equipment. The fund will be under the direct control of the State Fair Director and the State Fair Commission. Moneys in the fund will be used for the purposes specified in the act and will not revert or be transferred to general revenue.

This act is similar to SB 79 (2007).

ERIKA JAQUES

SPONSOR: Pratt

HANDLER: Goodman

SCS/HCS/HB 431 - This act modifies the law relating to business organizations.

Currently, Limited Liability Companies shall be dissolved upon the withdrawal of the sole remaining member. Under the act, there will be forced dissolution when there are no members unless certain agreements are made, pursuant to the operating agreement, by the personal representative of the last remaining member to continue the company, or if another member is added within 90 days of the event triggering the withdrawal of the last remaining member.

The act modifies the definition of "issuing public corporations" by removing the current shareholder requirements and instead, requiring the corporation to have a class of voting stock registered with the Security and Exchange Commission unless the articles of incorporation of the corporation stipulate otherwise.

The act removes the definition of and references to "resident domestic corporations". Under current law, resident domestic corporations must be incorporated in Missouri; have 100 shareholders; maintain its principal place of business, its principal office, or substantial assets in Missouri; and have 10% of its shareholders reside in Missouri, more than 10% of its shares owned by Missouri residents, or have 10,000 of its shareholders reside in Missouri. Under the act, a domestic corporation must be incorporated in Missouri. All references to resident domestic corporations are changed to domestic corporations.

CHRIS HOGERTY

SPONSOR: Jetton

HANDLER: Crowell

SS#2/SCS/HCS/HBs 444, 217, 225, 239, 243, 297, 402, & 172 - This act phases in a state income tax exemption over the course of six years for social security benefits received by taxpayers age sixty-two and older, social security disability benefits, or retirement benefits received by a taxpayer, age sixty-two and older, from sources other than privately funded sources, but not to exceed the maximum social security benefit available for the tax year. For taxable year 2007, a taxpayer may deduct a maximum of twenty percent of such benefits included in federal adjusted gross income. For taxable year 2008, the maximum amount of the deduction is increased to thirty-five percent of such benefits included in federal adjusted gross income. For taxable year 2009, the maximum amount of the deduction is increased to fifty percent of such benefits included in federal adjusted gross income. For taxable year 2010, the maximum amount of the deduction is increased to sixty-five percent of such benefits included in federal adjusted gross income. For taxable year 2011, the maximum amount of the deduction is increased to eighty percent of such benefits included in federal adjusted gross income. For all taxable years beginning on or after January 1, 2012, the maximum deduction will be equal to one hundred percent of the amount of such benefits included in federal adjusted gross income may be deducted from income thereby exempting such payments from state income tax. Single taxpayers with adjusted gross incomes of eighty five thousand dollars or less, and married taxpayers filing combined returns with adjusted gross income of one hundred thousand dollars or less will qualify for the maximum deduction. To the extent a taxpayer's adjusted gross income exceeds the income thresholds, the deduction will be decreased by one dollar for every dollar in excess of the thresholds. Where a taxpayer receives both social security benefits and retirement benefits from sources other than privately funded sources, the maximum deduction for publicly funded retirement benefits will be decreased by one dollar for every dollar of social security benefits received by a taxpayer to the extent such benefits are not included in Missouri adjusted gross income.

JASON ZAMKUS

SPONSOR: Jetton

HANDLER: Mayer

SS/HCS/HB 453 - This act authorizes an income tax credit for donations of cash or food to any local food pantry. The amount of the tax credit will be equal to one-half the value of the donation and cannot exceed two thousand five hundred dollars per taxpayer. The cumulative amount of the tax credits that can be issued to all taxpayers shall not exceed two million dollars per year. The Director of the Department of Revenue will establish the procedure for distributing the tax credits so that all eligible taxpayers will receive a share of the credits available for the fiscal year. The provisions of this tax credit program will expire four years from the effective date unless reauthorized.

This act also makes taxpayer donations of cash, publicly-traded stocks and bonds, and real estate to residential treatment agencies eligible donations for tax credits. Such donations will be valued and documented according to rules promulgated by the department of social services.

JASON ZAMKUS

SPONSOR: Sutherland

HANDLER: Griesheimer

HCS/HB 459 - This act adds county assessors to the list of county officials who must receive certified copies of the ordinances effecting a concurrent detachment and annexation of property between municipalities. It also requires county assessors to receive certified copies of annexation ordinances passed by cities, towns, and villages within such county.

This act is identical to provisions of CCS/HCS/SS/SCS/SB 22 (2007) & CCS/HCS/SB 30 (2007).
SUSAN HENDERSON MOORE

SPONSOR: Cooper

HANDLER: Shields

HCS/HB 461 - This act modifies certain provisions relating to the Missouri State Water Patrol.

SECTIONS 36.030, 36.031, 306.161 & 650.005

These sections exempt the Water Patrol from the merit system.

SECTION 306.163

Under this section, the lieutenant colonel of the water patrol shall assume the duties of the commissioner in his or her absence or when designated by the commissioner. If the commissioner and lieutenant colonel are disabled, the Governor may designate a major as acting commissioner.

SECTION 306.227

This section establishes certain requirements for patrolmen and radio personnel of the water patrol including a minimum age requirement, U.S. and Missouri citizenship, no criminal record with felonies, and certain educational and physical strength requirements

SECTION 306.228

Under this section, the commissioner may appoint certain numbers of different ranking officers and patrolmen so that the total number of the members shall not exceed 99 officers and patrolmen. The commissioner may name additional patrolmen in the case of a national emergency.

SECTION 306.229

Subject to appropriations, the commissioner is authorized to develop policies providing increases in the salaries of the water patrol members. Each year a salary schedule report shall be prepared for the General Assembly and Governor to consider during the budgetary process. The Governor may make additional recommendations to the report and forward them to the General Assembly.

The "service" of a patrol member who has served in the armed forces and who has subsequently been reinstated as a patrol member within 90 days of discharge that is not dishonorable shall be considered service with the patrol.

SECTION 306.230

The commissioner shall prescribe rules for instruction and discipline and make administrative rules to fix the hours of duty for patrol members. The commissioner shall divide the state into districts and assign members to such districts.

By general order, the commissioner may establish the circumstances under which members are promoted. The commissioner shall classify, and by promotion, increase the rank of members after not less than one year of service. If the commissioner finds the candidate pool for a promotion too small, he or she may promote from the next lower rank.

SECTION 306.232

After a probationary period of one year, members of the patrol shall be subject to disciplinary action of more than 3 days only for cause after a petition with a formal charge has been filed in writing before or by the commissioner and upon a vote by a majority of a board consisting of six unbiased members of the patrol taken after a hearing. A hearing shall be held within 30 days after the petition is filed and the board shall report to the commissioner their finding and vote of the board, whether the charges are true, and what discipline, if any, should be imposed. The commissioner shall decide the disciplinary action for the patrol member.

SPONSOR: Cooper

HANDLER: Shields

If a complaint is filed against a member, he or she shall be provided a copy of such complaint. Unless the patrol member consents in writing to an earlier time, the member shall not be interrogated or ordered to respond in writing until 48 hours after receiving the complaint. The member shall have a reasonable opportunity to have counsel present during any questioning. The member shall be entitled to a copy of the investigation reports and other information and present a written response prior to an initial recommendation of discipline. The commissioner may also withhold investigation reports and other information if disclosure would interfere with the investigation or may jeopardize the health or safety of any person.

This act is similar to SCS/SB 235 (2007) & SB 250 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Cox

HANDLER: Scott

HB 467 - This act authorizes the Governor to convey state property in Pettis County to the Girls Scouts-Heart of Missouri Council, Inc.

This act contains an emergency clause.

This act is identical to SCS/SB 115 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Sater

HANDLER: Lager

HCS/HB 497 - Under current law, physicians must exercise control over a physician assistant working in the same office facility of the supervising physician. The assistant may make follow-up patient examinations in hospitals, nursing homes and correctional facilities.

Under the act, the supervising physician must be present 66% of the time a physician assistant is providing patient care and no further than 30 miles from the care facility. The supervising physician must be readily available in person or via telecommunication while the assistant is providing care. The assistant may make follow-up patient examinations in patient homes.

The State Board of Registration for the Healing Arts shall promulgate rules to establish a formal process to waive the distance and supervision requirements for physician assistants as long as the parties demonstrate the following:

- there will be adequate supervision.
- the community served by the supervising physician would suffer in the absence of a waiver.
- the area is a health professional shortage area.
- the assistant practices no further than 50 miles away from the supervising physician.

Physician assistants must practice for at least one-month during which time the physician must be continuously present.

Physicians shall not be required to act as supervising physicians.

Physician assistant agreements must be filed with the Board of Registration for the Healing Arts.

Physician assistants must hold a master's degree from a physician assistant program.

Physicians shall not serve as supervising physicians for more than three full-time physician assistants. This limitation does not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals.

This act is similar to HCS/HB 503 (2005), SCS/SB 1032 (2006), HB 209 (2007), HCS/SCS/SB 308 (2007), SB 346 (2007), and SB 537 (2007).

CHRIS HOGERTY

SPONSOR: Cooper

HANDLER: Engler

HB 554 - This act bars state and local agencies, including school districts, from discriminating between licensed professional counselors when promulgating rules or when requiring or recommending services that may legally be performed by licensed professional counselors.

This act is similar to SB 158 (2007).

CHRIS HOGERTY

SPONSOR: Cooper

HANDLER: Engler

HCS/HB 555 - This act modifies complaint procedures and document retention requirements when prisoners file complaints against professional licensed counselors and licensed social workers.

If complaints by prisoners are found to have merit, no further disciplinary action may take place, documentation may not appear on file, and other state licensing boards or national registries may not be notified unless grounds exist for revocation or suspension of the license. Case file documentation shall be destroyed when the committee chooses not to pursue further action.

Licensees subject to meritless claims prior to the effective date of the act may request the committee to destroy documents pertaining to the claim, notify other state licensing boards that the claim was unsubstantiated, and supply the licensee with a letter stating that the claim was unsubstantiated.

Licensees shall not be required to disclose the existence of unsubstantiated claims in relation to the licensing of their profession.

This act is similar to HCS/SCS/SB 272 (2007), and SCS/SB 159 (2007).

CHRIS HOGERTY

SPONSOR: St. Onge

HANDLER: Stouffer

CCS/HB 574 - This act requires courts to forward alcohol- or drug-related driving offense dispositions to the Department of Revenue within seven days and requires the Department of Revenue to then forward the information to the Missouri State Highway Patrol within fifteen days. The proposal removes a conflict between Sections 302.225 and 577.051, RSMo, and reflects current practices.

This act removes the requirement contained in section 577.029 that when blood is drawn for analysis of alcohol content, a non-alcoholic swab shall be used (section 577.029). This portion of the act contains an emergency clause.

This act establishes a process which allows the St. Louis Board of Police Commissioners to delegate portions of its jurisdiction to hearing officers.

This portion of the act is similar to SB 654 (2007), HB 923 (2007), SB 1097 (2006), & SCS/SB 477 (2007).

STEPHEN WITTE

SPONSOR: Cooper

HANDLER: Clemens

HB 576 - This act designates the bobwhite quail as the official game bird of the state of Missouri.
JIM ERTLE

SPONSOR: Dempsey

HANDLER: Shields

SS/HB 579 - This act allows health care providers from any state to provide care as necessitated by an emergency declared by the Governor, subject to approval by the State Emergency Management Agency. In these instances, the professionals shall not be liable for administrative penalties or civil damages for failure to exercise ordinary care. The professionals shall be liable for damages due to willful and wanton acts or omissions in rendering care.

The Governor may suspend rules prescribing procedures for conducting state business when strict compliance would hinder action by the Department of Health and Senior Services during such an emergency.

The Department of Health and Senior Services may suspend rules pertaining to dispensing medications in a state of emergency declared by the Governor, and may allow individuals to dispense under the supervision of a licensed health care provider according to the department's Strategic National Stockpile Plan.

Currently, the State Emergency Management Agency operates under the Office of the Adjutant General. This act reorganizes the agency under the Department of Public Safety.

This act contains an emergency clause.

This act is similar to SB 705 (2007), SCS/SB 889 (2006), SCS/HB 1118 (2006), HB 788 (2007), SB 380 (2007).

CHRIS HOGERTY

SPONSOR: Johnson

HANDLER: Gibbons

SS/SCS/HCS/HB 583 - This act modifies various provisions relating to crime victims.

SECTION 191.225

Under this section, the Department of Health and Senior Services shall make payments to medical providers to cover the charges of forensic examinations for victims of sexual offenses under certain circumstances. Current law requires the department to pay hospitals and physicians for the costs of medical exams that are not covered by insurance, Medicare, or Medicaid for certain victims of sexual offenses. The appropriate medical provider shall file the report of the exam with the prosecuting attorney within three business days of its completion.

The attorney general shall develop the forms and procedures for gathering evidence during forensic exams. Rather than the attorney general furnishing hospitals with copies of such forms, the department of Health and Senior Services shall develop a checklist for medical providers to refer to while providing treatment to victims.

The Highway Patrol, or its designees, is required to develop evidentiary collection kits and, subject to appropriation, make them available to medical providers. The medical providers shall use the kits to perform a forensic exam following the department's checklist. No medical provider shall charge such a victim for the forensic exam; however, if a victim is eligible for relief from the crime victims' compensation fund, the provider may seek compensation from the fund money.

SECTION 217.692

Certain offenders who have pleaded guilty to or been found guilty of homicide of a spouse or domestic partner and are serving a life sentence without the possibility of parole for at least fifty years shall be eligible for parole after having served fifteen years if the board of probation and parole determines that there is a strong probability that the person will not violate the law again. In order to be eligible, the offender must have pled guilty or began his or her trial prior to December 31, 1990. The offender must have no prior violent felony convictions, no longer have a cognizable legal claim and have a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and is corroborated with evidence of facts or circumstances which existed at the time of the alleged violence.

When making its decision, the board shall consider certain criteria. A person commits perjury as a class C felony for knowingly making false witness statements to the board.

In cases where witness statements are conflicting as to whether such domestic violence occurred or was substantial and continual in nature, the history shall be established by other corroborative evidence in addition to witness statements. A contradictory statement of the victim shall not be deemed to be a conflicting statement.

SECTION 431.056

This section provides that persons age 16 or 17 who are homeless, self-supporting, and whose parents have given implied or express consent, may enter into a contract to receive services as a victim of domestic and sexual violence, in addition to being able to enter other contracts for admission to a shelter, housing, employment, purchase of a vehicle, receipt of student loans, admission to school, obtaining medical care, and establishing a bank account.

SECTION 455.003

SPONSOR: Johnson

HANDLER: Gibbons

This section requires employees or volunteers of a rape crisis center to maintain confidentiality of information that would identify individuals served by the center and any information directly related to the advocacy services. Also, prior to providing advocacy services, the center shall inform individuals of the nature and scope of the confidentiality requirements.

An employee or volunteer of a rape crisis center shall be incompetent to testify concerning any confidential information unless the confidentiality requirements are waived by the individual served.

SECTION 455.038

Under this section, if a person who has petitioned for an ex parte order of protection has opted to register a phone number with the victim notification system, then the circuit clerk is required to notify the petitioner by phone when the order has been served or if no more attempts to serve are planned. The local law enforcement agency shall notify the circuit clerk when no more service attempts are planned by that agency. The provisions of the act shall only apply to those circuit clerks able to access a statewide victim notification designed to provide notification of service of orders of protection.

SECTION 537.047

This section creates a civil cause of action for victims of child pornography offenses who suffer physical or psychological injury or illness as a result of the violation.

SECTION 565.072

Under this section, a person who commits domestic assault in the first degree shall be guilty of a Class A felony, rather than a class B felony, if he or she has previously pleaded guilty to or been found guilty of committing such crime. Currently, this crime is only a Class A felony if the person inflicts serious physical injury on the victim.

SECTION 566.224

No prosecuting attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim of sexual assault or forcible rape to submit to a polygraph test or psychological stress evaluator exam as a condition upon proceeding with a criminal investigation of such crime.

SECTION 566.226

This section requires identifying information of sexual assault, domestic violence, stalking, or forcible rape victims to be closed and redacted from any court record, whether written or published on the Internet, before being disclosed to the public. Identifying information shall include the name, home or temporary address, social security number, and physical characteristics of the victim. If the court determines that the person or entity requesting identifying information has a legitimate interest in obtaining such information, the court may allow access to such information, but only if it determines that disclosure would not compromise the welfare or safety of the victim.

SECTIONS 589.660 to 589.683

These sections create in the Secretary of State's Office the "Address Confidentiality Program" for victims of domestic violence, rape, sexual assault, and stalking. The program authorizes the use of designated addresses for such victims and their minor children. The Secretary of State shall promulgate rules to implement and administer this program.

An adult, parent of a minor, or guardian of an incapacitated person may apply to the Secretary of

SPONSOR: Johnson

HANDLER: Gibbons

State to have a designated address assigned. The Secretary may only approve applications filed properly with the office as established by rule. The application shall contain certain information, including the person's mailing address, the applicant's signature, and a designation of the Secretary as agent for the purpose of service of process and receipt of first-class mail, legal documents, and certified mail. The applicant must supply a sworn statement that he or she is a victim of violence and fears further violent acts from his or her assailant. The applicant must also supply addresses that he or she does not want disclosed because it will jeopardize the applicant's safety.

Upon receiving a properly completed application, the Secretary may certify the applicant as a program participant for four years and forward his or her first-class mail, legal documents, and certified mail. Notification of lapsing certification and a reapplication form shall be sent to the program participant at least four weeks prior to expiration.

The Secretary of State may cancel, with limited exceptions, the certification of a program participant if:

- 1) The participant obtains a name change;
- 2) There is a change in the mailing address from the person listed on the application and another address is not provided; or
- 3) The applicant or participant provides false information or makes false claims in the application or assists another person in doing so.

State and local agencies and the courts shall accept the designated address as a program participant's address when creating new public records unless statute requires otherwise.

The Secretary may make a program participant's address or mailing address available if requested by law enforcement or the director of a state agency if he or she shows a statutory or administrative requirement for the use of such addresses. If deemed appropriate, the Secretary shall make a program participant's addresses available:

- 1) To a person identified in a court order when the order specifically requires the disclosure of a participant's address and the reasons for the disclosure; or
- 2) If the certification has been cancelled because the applicant or participant used false information in an application or made a false claim.

A program participant's application and supporting materials are not a public record and shall be kept confidential.

These sections contain a sunset clause.

SECTION 595.030

In order to properly file a criminal report with the authorities, the report of the forensic exam may be filed with the prosecuting attorney.

This section also includes unreimbursed or unreimbursable expenses incurred as a result of personal

SPONSOR: Johnson

HANDLER: Gibbons

property being seized in a criminal investigation by a law enforcement agency as "out-of-pocket loss". Under certain circumstance, a victim may receive payment for such "out-of-pocket losses" from the Crime Victims' Compensation Fund for the value of the loss sustained but shall not exceed \$250.

SECTION 595.036

This act allows any party aggrieved by a decision of the department on a claim under the Crime Victims' Compensation Fund to filing a petition with the Division of Workers' Compensation to have such decision heard de novo by an administrative law judge. The petition must be filed within 30 days of notification of mailing of such decision. Decisions of the administrative law judge shall may file a petition with the Labor and Industrial Relations Commission to review the decision. Decisions of the commission shall be heard on appeal by the court of appeals.

SECTION 595.209

This section allows a crime victim to offer a statement by counsel or a representative designated by the victim in lieu of a personal appearance at a hearing before the juvenile authorities, the board of probation and parole, or a mental health facility. The victim also has the right to have a partition set up in the probation and parole hearing room in order to shield the victim from the offender.

Under this section, an employer may not discharge or discipline an employee for attending a criminal proceeding or require any witness, victim, or member of the victim's family to use vacation time, personal time, or sick leave for honoring a subpoena to testify at, attend, or participate in a criminal proceeding.

This act is similar to SS/SCS/SB 429 (2007), HB 1317 (2006), & SCS/SBs 372 & 366 (2007), HCS/SS/SCS/SB 5 (2007), SB 529 (2007), HB 632 (2007), HCS/HB 406 (2007), HB 610 (2007), HB 961 (2007) & HB 860 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Wood

HANDLER: Goodman

HCS/HB 616 - This act makes the county assessor a nonvoting member of his or her county board of equalization and requires the county commission to appoint two additional members to the board. The additional members shall not be related to the other members of the board. County assessors or a member of his or her staff will be required to attend any meeting of the board and will have the right to present evidence regarding any assessment matter.

SUSAN HENDERSON MOORE

SPONSOR: Aull

HANDLER: Griesheimer

SCS/HCS/HBs 619 & 118 - This act specifies the situations in which the Civil Air Patrol, the civilian auxiliary of the U.S. Air Force, may be activated, and provides that the patrol may be used to assist in noncombatant National Guard missions or missions in support of civil authorities and state agencies which have established agreements with the patrol. Requests for activation must be made to the commanding officer of the Missouri Wing of the Civil Air Patrol.

Prior to activation, the commanding officer or Adjutant General must apply for federal mission status and funding. If a mission of the patrol is granted federal mission status and assigned an accompanying federal mission number, the operation shall be funded by the federal government, and members of the patrol will be considered federal employees for the purpose of tort claims arising from the mission. Except for missions and operations supporting the office of adjutant general, all requests for activation and authorization for any mission of the civil air patrol must first be approved by the department director of the requesting agency, the adjutant general, and the commissioner of administration.

If an operation is not granted federal mission status, the state will pay for the mission using funds appropriated from the state agency which requested participation of the patrol. In this case, members shall be considered state employees for purposes of the state legal expense fund and coverage for worker's compensation. These provisions apply to any Civil Air Patrol personnel and aircraft from any state that are flying missions for Missouri state agencies. Certain emergency operations or missions may be conducted pending funding authorization.

ALEXA PEARSON

SPONSOR: Stream

HANDLER: Crowell

HCS/HBs 654 & 938 - This act increases the amount of annual matching grants to be awarded for veterans' service officer programs by the Missouri Veterans Commission from seven hundred fifty thousand to one million dollars.

The act also establishes the Stolen Valor Act of 2007, which makes it unlawful for any person to knowingly misrepresent himself or herself as a veteran or as a recipient of a medal or badge awarded to the members of the armed forces. Any violation of the provisions of this act shall be a class A misdemeanor for the first offense, and a class D felony for any second or subsequent offense.

ALEXA PEARSON

***** HB 678 *****

SPONSOR: Marsh

HANDLER: Goodman

HCS/HB 678 - This act authorizes school districts located in the counties declared a federal disaster area after the inclement weather in January 2007 to not make up time lost from school from January 15th to January 22nd. School districts in counties not included in the federal disaster area that have missed eight or more days due to inclement weather during the 2006-2007 school year are not required to make up six of those days, and the requirement for scheduling two-thirds of the missed days into next year's school calendar is waived for the 2007-2008 school year.

The provisions of this act do not apply to the Nixa R-II School District.

The act contains an emergency clause.

JIM ERTLE

***** HB 680 *****

SPONSOR: May

HANDLER: Clemens

HB 680 - This act makes "Big Bluestem" the official state grass.
ERIKA JAUQUES

***** HB 684 *****

SPONSOR: Bruns

HANDLER: Vogel

SCS/HB 684 - This act authorizes the Governor to convey state property located in the City of St. Louis and Kansas City and the counties of St. Francois, Texas, Newton, Greene, and Livingston.

The act contains an emergency clause and is similar to SCS/SB 288 (2007).

SUSAN HENDERSON MOORE

***** HB 686 *****

SPONSOR: Smith

HANDLER: Stouffer

HB 686 - This act expands the rulemaking authority of the Board of Nursing Home Administrators to include rules relating to issuing separate licenses to administrators of assisted living facilities.

CHRIS HOGERTY

***** HB 732 *****

SPONSOR: Parson

HANDLER: Scott

HB 732 - This act adds emergency personnel killed while performing their duties to the list of individuals who are exempt from the formalized highway naming process set forth in Section 227.299, RSMo.

This act is identical to SB 549 (2007).

STEPHEN WITTE

SPONSOR: Pearce

HANDLER: Koster

SS/SCS/HB 740 - This act authorizes the Governor to convey an easement over state property located in Johnson County to the City of Warrensburg. The act also authorizes the Board of Regents of Northwest Missouri State University to convey state property located in Nodaway County.

This act is similar to HCS/SB 502 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Pearce

HANDLER: Koster

SS/HCS/HB 741 - This act requires municipalities located in any county under the authority of the East-West Gateway Council of Governments, except Franklin County, to form a county-wide tax increment finance commission to make recommendations on proposed tax increment finance projects. Any such municipality must first obtain permission from the county-wide tax increment finance commission before implementing any tax increment finance project. In the event the county-wide tax increment finance commission makes a recommendation in opposition to a proposed project, a municipality desiring such project may approve the project only by a two-thirds majority vote of the governing body.

The act allows certain individuals to receive low interest loans through the linked deposit loan program. Loans are available for individuals starting new businesses that will remain 51% locally owned in counties that meet the following requirements:

- The county has a median population of 12,500 or less; and
- The median income of residents in the county are equal to or less than the state median income; or
- The unemployment rate in the county is equal to or greater than the state's unemployment rate.

This act requires the joint committee on tax policy to conduct a study of the feasibility of creating a program to allow municipalities within the state to engage in tax increment finance-like projects with optional tax abatement in any area of such municipality regardless of the existence of blight. The committee must report its findings to the General Assembly no later than December 31, 2007.

The act enables a taxpayer making less than \$30,000 per year who modifies their home to be accessible to a disabled person who resides with the taxpayer to claim a credit against their income tax for one hundred percent of the costs of modification, up to \$2,500. For taxpayers making between \$30,000 and \$60,000, a credit will be allowed in the amount equal to fifty percent of the costs of modification, up to \$2,500. All tax credits will be refundable, up to \$2,500 per year. The credits are not transferrable. The credit has a statewide maximum of \$100,000 per year. If ten million dollars in tax credits are not approved, for programs authorized under the rebuilding communities tax credit program, then up to the first one hundred thousand dollars in tax credits shall be used for the home modification tax Credit created by this amendment.

If any portion of the modification was claimed as a deduction on the taxpayer's federal income tax, then the amount of the tax credit shall be reduced by an amount sufficient to offset such deduction.

The credit applies to tax years beginning January 1, 2008, and expires December 31, 2013.

Under current law, the biodiesel producer monthly incentive payment is calculated based on the estimated number of gallons of biodiesel produced from agricultural products originating in Missouri. This section removes the in-state origination criteria and allows the incentive payment to be calculated based on the amount of biodiesel produced from agricultural products originating in any state.

The eligibility criteria is modified for a qualified biodiesel producer, which requires such producers to have registered with the Department of Agriculture by September 1, 2007, begun construction of the facility before November 1, 2007, and begun production of biodiesel before March 1, 2009. The section adds a payback requirement if the biodiesel producer sells the biodiesel production facility within certain timeframes of receiving the last incentive payment.

SPONSOR: Pearce

HANDLER: Koster

This section is similar to SS/SCS/SB 571 (2007).

The act establishes the Regional Economic Development District Law. The act allows two or more governing bodies to establish a regional economic development district to plan programs encouraging economic development within the district. The governing bodies must enact identical ordinances or mutually agree to the district's establishment. The ordinances or mutual agreements must specify the qualifications, terms, membership, and powers of the district's board.

The act allows the district to impose, upon voter approval, a sales tax within the district to be used for economic development purposes. The sales tax rate can be 0.125%, 0.25%, 0.375%, or 0.5%. The act creates the Regional Economic Development District Sales Tax Fund for the deposit of all revenue levied from the district's sales tax. The revenue from the district's sales tax is prohibited from being included in calculations of moneys available to other special taxing districts which may also be a part of the regional economic development district. Other special taxing districts include tax increment financing districts, neighborhood improvement districts, and community improvement districts. Revenue from the regional economic development district's sales tax can only be used for its purposes and cannot be diverted to any other special taxing district unless approved by the district's board.

The act requires the board to make a report available to the public at least annually on the use of its funds. The board is allowed to adopt incremental tax financing for the purposes of the district, however this cannot be used for any retail projects. The act specifies the manner in which ad valorem taxes and payments in lieu of taxes will be divided among affected taxing districts. The district is allowed to collect fifty percent of the economic activity tax revenue received from sales within the district for twenty-five years. The act specifies the requirements of a regional economic development plan and requires that certain findings be made by the board before adopting a regional economic development plan, including a determination that the development area has not been subject to growth and development through private investment and that this cannot be reasonably expected to occur without the implementation of regional economic development projects and the adoption of incremental tax financing. The district is allowed to issue bonds to pay for the costs associated with the regional economic development projects.

The act establishes the Missouri Rice Certification Act, which prohibits the production, transporting, or handling of certain rice varieties except as provided in rules promulgated by the Department of Agriculture.

The Rice Advisory Council is created, made up of ten members with representation described. The Council shall: identify and review rice varieties with characteristics of commercial impact; review terms and conditions of rice identity preservation programs; and make recommendations to the director of the Department of Agriculture.

The Department shall promulgate rules to implement the provisions of this section. The Department shall have the power to: prevent the contamination of rice that has not been identified as having characteristics of commercial impact; require certain notifications for producers, transporters, and receivers of rice with characteristics of commercial impact; enforce restrictions on rice with characteristics of commercial impact; and investigate alleged violations, issue written notices of violation, and impose penalties for violation. The Department may establish and collect fees for testing rice as it deems necessary.

SPONSOR: Pearce

HANDLER: Koster

The Department shall regularly report to the Rice Advisory Council with regard to rice varieties with the potential to have characteristics of commercial impact. Within 60 days of the receipt by the Department of any recommendation made by the Rice Advisory Council with regard to rice varieties that have unreasonable adverse impact on the environment or public health, the Department shall hold a public hearing. Within 30 days of any such hearing, the Department shall issue a detailed response to the Council's recommendation.

The penalty for violation shall be at least ten thousand dollars but not more than one hundred thousand dollars per day per violation. The provisions of this section become effective one hundred eighty days from the August 28, 2007.

Information related to the Missouri Rice Certification Act shall not be subject to open record requirements.

This section is similar to SS/SCS/SB 387 (2007).

JASON ZAMKUS

SPONSOR: Kelly

HANDLER: Vogel

HB 754 - This act gives the Department of Corrections the authority to disburse federal funds under applicable federal guidelines, rather than simply receiving such funds. The act also give the Department the authority to receive and disburse other funds appropriated by the General Assembly.

This act is identical to SB 648 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Wasson

HANDLER: Scott

CCS/SS/SCS/HCS/HB 780 - This act modifies various provisions relating to professional licensing.

MILITARY LICENSEES(Section 41.950)

Certain licensed professionals may renew a license expiring while they are serving in the military, within 60 days from completing their service. The professionals included are: interpreters, clinical perfusionists, dietitians, massage therapists, interior designers, acupuncturists, occupational therapists, occupational therapy assistants, tattooists, body piercers, and branders.

CHRONIC KIDNEY DISEASE TASK FORCE (192.632)

This act creates the task force to educate the public and health care professionals about early screenings and other preventative measures and practice techniques.

GEOLOGISTS AND REAL ESTATE APPRAISERS (Sections 256.465 and 339.513)

Changes the triggering point at which moneys in the real estate appraiser's and geologist's funds organized revert to the general revenue.

BOXING, SPARRING, WRESTLING, KICKBOXING, AND FULL-CONTACT KARATE (Sections 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 317.019)

This act modifies laws relating to the power of the Office of Athletics to regulate boxing, sparring, wrestling, kickboxing and full-contact karate contests.

Definitions are modified to include mixed martial arts and amateur and exhibition bouts under the purview of the Office of Athletics' regulatory authority.

The maximum duration for bouts is removed and the mandatory medical suspension is increased from 120 to 180 days when a participant is rendered unconscious.

The act creates guidelines for bout contracts.

Additional censure and probation measures are allowed for licensees under certain circumstances.

TATTOOING, BRANDING AND BODY PIERCING (Sections 324.520, 324.522, and 324.523)

The act authorizes the Director of the Division of Professional Registration to promulgate rules to establish education and training requirements for these practitioners. The act also establishes specific causes for complaints to be filed with the Administrative Hearing Commission and allows the Division to enjoin unlawful practices.

PRIVATE INVESTIGATORS (Sections 324.1100, 324.1102, 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122, 324.1124, 324.1126, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1140, 324.1142, 324.1144, 324.1146, 324.1148, 621.045)

The "Board of Private Investigator Examiners" is created within the Division of Professional Registration in the Department of Insurance, Financial Institutions and Professional Registration.

The Board consists of five members appointed by the Governor with the advice and consent of the Senate. Each member must be a U.S. citizen, Missouri resident, at least 30 years old, and actively engaged as a private investigator for at least five years. Board members will serve staggered terms of two years.

SPONSOR: Wasson

HANDLER: Scott

The Board of Private Investigator Examiners Fund is also created. The act makes it unlawful for persons to engage in the private investigator business unless licensed. Attorneys, collection agencies, and insurers are exempted from licensure. Application requirements are specified. Licensees must be at least 21, a U.S. citizen, and comply with qualifications set by the Board. Persons must also provide proof of liability insurance of at least \$250,000, and proof of workers' compensation insurance.

The Board shall ensure applicants complete a course of training conducted by a certified trainer; pass a written examination; and submit to an oral interview with the Board. Complete background checks will be conducted on all applicants. The act grandfathers current private investigators and a license will be issued to such persons who show registration and good standing as a business for two years and \$250,000 in business general liability insurance. The Board is given authority to review reciprocity applications. Grounds for denial of licensure are specified.

Persons hired by private investigators must apply for agency licenses separately. The act specifies standards for employees of agencies. The act sets continuing education requirements – 16 hours biennially for licensees and 8 hours for employees of agencies.

The Board shall set the fees for licensure. Licenses must be posted in a conspicuous place in the principal place of business of the licensee. Pocket cards will also be issued to licensees. Licenses shall expire two years after issuance and provisions for renewal are provided.

Licensees may divulge to the Board, law enforcement officers, or a prosecuting attorney information acquired as to any criminal offense. Licensees are prohibited from: knowingly making a false report; causing a report to be submitted that the licensee has not exercised due diligence in ascertaining the facts; giving the impression that the licensee is connected with the federal or state government or any political subdivision; appearing as an assignee in any proceeding; manufacturing false evidence; or creating a video of any person in their home without that person's permission.

Restrictions on record keeping and advertising are specified. License disciplinary procedures are specified. The Board is given rulemaking authority.

The Board shall certify qualified trainers of private investigators. Persons who knowingly falsify fingerprints or photographs required to be submitted is a Class D felony. Violation of other provisions is a Class A misdemeanor unless it is a second or subsequent violation in which case it is a Class D felony.

Provisions for licensure of current law enforcement officers and limitations on their conduct are specified.

ARCHITECTS, ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS (Sections 327.011, 327.076, 327.077, 327.181, 327.441, and 621.045)

The act authorizes the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects to impose civil penalties against licensed and unlicensed persons. Any person who practices architecture, engineering, land surveying or landscape architecture without a valid license may be subject to an administrative action by the board to seek a civil penalty. The board may initiate investigations against the unlicensed person and may issue subpoenas to compel attendance and testimony of witnesses.

The complaint must be filed with the Administrative Hearing Commission, which shall conduct a

SPONSOR: Wasson

HANDLER: Scott

hearing and issue its findings of fact and conclusions of law. The duties of the commission are amended to include the ability to hear such cases. If the commission finds the unlicensed person has violated this act, then the board may issue a civil penalty not to exceed \$5,000 for each day of violation, with a maximum penalty of \$25,000. The unlicensed person has the right to appeal the order imposing the fine to a circuit court. Once the case is final, and the penalty is not timely paid, the Attorney General may commence an action to recover the penalty, including reasonable attorney fees and costs and a surcharge of 15% of the penalty plus 10% per year on any amounts owed. The validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

An unlicensed person may use a form of the word "engineer" without being subject to disciplinary action if the use is reflective of that person's profession and does not imply that the person is holding himself or herself out as being a professional engineer.

CHIROPRACTORS (Section 331.010)

The "practice of chiropractic" is redefined in reference to methods commonly taught in any chiropractic college or chiropractic program in a university accredited by the Council on Chiropractic Education.

BOARD OF REGISTRATION FOR THE HEALING ARTS (334.120)

Currently, 5 board members must be graduates of professional schools approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education. This act requires at least 5 members to be graduates of professional schools accredited by the Liaison Committee on Medical Education or recognized by the Educational Commission for Foreign Medical Graduates.

NURSES (Sections 335.016, 335.036, 335.066, 335.067, 335.068, 335.076, 335.096, 335.097, 383.130, and 383.133)

The act defines "lapsed license status", "retired license status", and "temporary nursing staffing agency" and establishes notice and service requirements for disciplinary hearings before the full board.

The State Board of Nursing may establish an impaired nurse program and require nurses to enter treatment as a condition for licensure.

The State Board of Nursing may request an expedited hearing from the Administrative Hearing Commission, if the board concludes the nurse has committed an act constituting clear and present danger to the public health and safety. After 15 days from the complaint, and after a preliminary hearing, the board may immediately restrict or suspend the license. Temporary authority to restrict or suspend the license becomes final if the nurse does not request a full hearing within thirty days. Dismissal of the action does not preclude subsequent action on the same grounds.

Documentation relating to an unsubstantiated claim and those not constituting a violation are deemed sealed records under the act. Sealed records shall not be disclosed without written permission of the licensee. The board must notify the licensee if it seals any records in relation to that professional.

Advanced Practice Registered Nurses are authorized to use the acronym APRN in relation to their practices.

The act stipulates that reports made to the board are not in violation of the Federal Health Insurance Portability and Accountability Act.

SPONSOR: Wasson

HANDLER: Scott

Under current law, officials of hospitals and ambulatory surgical centers must report disciplinary actions taken against a licensed health care professional to their respective licensing authority. This act requires temporary nursing staffing agencies to do the same and requires the facts to be described with as much detail and information as possible.

BOARD OF NURSING (Section 335.212)

This act redefines the term “qualified employment” for the purposes of the nursing student loan program to include employment in any agency in an area of need, instead of restricting the definition to public or nonprofit agencies.

OPTOMETRISTS (Sections 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.140, 336.160, 336.220, and 336.225)

The act Modifies the definition of "the practice of optometry" and relocates provisions relating to the scope of practice found in other sections into this definition.

The act allows for reciprocity for out-of-state licensees. The act raises the continuing education requirements from 8 hours annually to 32 hours within a 2 year period.

The 30 day notice requirements for board meetings is removed.

Optometrists who are only authorized to administer diagnostic pharmaceutical agents shall refer patients to a physician under certain circumstances.

Advertising is allowed for all optometrists as long as the name of the licensee is displayed at all practice locations.

SOCIAL WORKERS (Sections 337.600, 337.603, 337.604, 337.612, 337.615, 337.618, 337.622, 337.627, 337.630, 337.636, 337.643, 337.644, 333.645, 337.646, 337.653, 337.665, and 337.689)

Currently, clinical and baccalaureate social workers are licensed. This act expands licensing to two additional groups: advanced macro social workers and master social workers.

Applicants for licensure as a clinical social worker must complete 3,000 hours of supervised clinical experience with a qualified clinical supervisor instead of a licensed clinical social worker.

All licensees shall complete three hours in ethics presented by a social worker with a degree.

The act differentiates between the four types of licensure as follows:

CLINICAL SOCIAL WORKER REQUIREMENTS

- Master's degree from a program accredited by the council of social work education or a doctorate from a program acceptable to the committee.
- 3,000 hours supervised clinical experience with a qualified clinical supervisor.
- Passing score on an approved exam.
- 18 years old, of good moral character, a U.S. citizen or legally present, and free of felony convictions during the 10 years prior to application.

MASTER SOCIAL WORKER REQUIREMENTS

- Master's or doctorate degree from a program accredited by the council of social work education.

SPONSOR: Wasson

HANDLER: Scott

- Passing score on an approved exam.
- 18 years old, of good moral character, a U.S. citizen or legally present, and free of felony convictions during the 10 years prior to application.

ADVANCED MACRO SOCIAL WORKER REQUIREMENTS

- Master's degree from a program accredited by the council of social work education or a doctorate from a program acceptable to the committee.
- 3,000 hours supervised clinical experience with a qualified macro supervisor.
- Passing score on an approved exam.
- 18 years old, of good moral character, a U.S. citizen or legally present, and free of felony convictions during the 10 years prior to application.

BACCALAUREATE SOCIAL WORKER REQUIREMENTS

- Baccalaureate degree from a program accredited by the council of social work education.
- 3,000 hours of supervised clinical experience with a qualified baccalaureate supervisor.
- Passing score on an approved exam.
- 18 years old, of good moral character, a U.S. citizen or legally present, and free of felony convictions during the 10 years prior to application.

FAMILY AND MARITAL THERAPISTS (Sections 337.700, 337.715, and 337.718)

The act expands the definition of marital and family therapy to include the diagnosis of behavior and intrapersonal or interpersonal dysfunctions within the context of marital and family systems.

Additional requirements for licensees are proposed, including a minimum of three semester hours of graduate course work in diagnostic systems and supervised diagnosis education as a core component of postgraduate supervised clinical experience.

Continuing education requirements may be set by rule and may be waived upon a showing of illness or other good cause.

PHARMACIES (Section 338.220)

Missouri businesses incorporated prior to January 1, 2005 that have sold, dispensed, or filled veterinarian prescribed animal pharmaceutical products shall not be required to obtain Class L veterinary permits.

REAL ESTATE BROKERS AND AGENTS (Sections 339.100, 339.200, 339.205)

The Real Estate Commission is authorized to impose civil penalties upon licensed and unlicensed individuals in the same manner described in the above sections relating to architects, engineers, land surveyors, and landscape architects.

Currently, applicants for nursing home administrator licenses pay a fee of \$100 to the Director of Revenue. This act leaves the amount of the fee up to the board and directs the payment to the Department of Health and Senior Services.

NURSING HOME ADMINISTRATORS (Sections 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 344.108)

Out of state applicants for licenses shall not be recognized when the applicant fails the national examination three times.

The act allows for probationary status as an alternative to refusing to issue or renew a license.

SPONSOR: Wasson

HANDLER: Scott

Licensees and applicants may appeal this decision.

The act adds additional grounds upon which a licensee may be disciplined including:

- Violating any provision of law regulating convalescent, nursing and boarding homes.
- Violating any professional trust or confidence.
- Having administered a convalescent, nursing or boarding home during a time when the facility has had its license revoked
- Having entered into a consent agreement to obtain a probationary license for facilities under chapter 198 or having such a license denied or surrendered while under investigation.

The act modifies the membership of the Board of Nursing Home Administrators by imposing citizenship requirements and replace the Director of the Division of Aging with the Director of the Department of Health and Senior Services.

The act provides for inactive license status and requirements for reactivation.

AUDIOLOGISTS (Sections 345.015, 345.030, 345.033, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110)

The act adds fitting, programming, and dispensing of assistive listening devices and other amplification systems to the definition of the practice of audiology.

Licensed audiologists who sell devices shall deliver a purchase agreement to the purchaser containing information including the terms of the sale, name of the manufacturer, make, model, whether the item is used and other details.

Under current law, hearing instrument retailers must employ a licensed hearing aid specialist. Under the act, the retailers may employ a licensed audiologist in lieu of a specialist.

The act also phases in education requirements for applicants for instrument specialist licenses or hearing instrument specialist-in-training permits.

PERFORMING GROUPS (407.309)

Prohibits the advertising or conducting of live musical performances under certain deceptive circumstances.

This act is similar to SB 524 (2007), HB 873 (2007), SB 308 (2007), HB 914 (2007), SB 482 (2007), HB 753 (2007), HB 776 (2007), HB 310 (2007), HB 117 (2007), HB 815 (2007), HB 998 (2007), HB 657 (2007), SB 527 (2007), SB 31 (2007), SB 666 (2007), SB 272 (2007), SB 333 (2007), SB 577 (2007), SB 677 (2007), HB 1084 (2007), SB 10 (2007), HB 833 (2007), HB 233 (2007), SB 513 (2007), HB 749 (2007), SB 542 (2007), HB 830 (2007), HB 953 (2007), SB 584 (2007), HB 399 (2007), SB 485 (2007).

CHRIS HOGERTY

SPONSOR: Wilson

HANDLER: Mayer

SCS/HB 791 - Beginning January 1, 2008, this act requires health carriers to provide a report of the total number and dollar amount of claims paid in the previous three years within 30 days of an employer's request. A health carrier, however, shall not be required to provide the report more than twice in any calendar year. When an employer has multiple plans, the total dollar amounts must be aggregated into one report. The information provided to the employer shall be furnished in a manner that does not individually identify any employee or other person covered by the health benefit plan and shall comply with all applicable federal and state privacy laws regarding the disclosure of health records. The act defines employer as one who provides an employee health benefit plan with at least 51 covered lives either at the time of the request or at the start of the reporting period and has been insured continuously with the carrier for at least the preceding 22 months.

This act is similar to SCS/SB 100 (2007).

STEPHEN WITTE

SPONSOR: Flook

HANDLER: Ridgeway

SCS/HCS/HB 795 - This act authorizes Perry County to impose, upon voter approval, a sales tax of up to one-fourth of 1% to equally fund senior services and youth programs. A senior services tax commission must be established to administer the revenue received for senior services. This act contains ballot language and a procedure to repeal the tax. After approval, the county shall enter into an agreement with the Department of Revenue to collect the tax.

This act allows cities, towns, and villages within Clay County, Franklin County, Boone County, Jasper County or Jackson County, to form a Theater, Cultural Arts, and Entertainment District. Such counties and St. Charles County may also form such a district. Counties, cities, towns, and villages that adopt transect-based zoning may also form such districts. Currently, only municipalities in St. Charles are allowed to form such a district.

This act requires a Theater, Cultural Arts, and Entertainment District to be a minimum of 25 contiguous acres in size, rather than 50 acres. This act requires the governing body of the city or county in which a district is proposed to pass a resolution describing the district when a petition for its creation is filed. It specifies that a district may be created to fund and provide infrastructure.

This act states that if there is a conflict between the zoning or subdivision ordinances of a municipality that are based upon transect-based zoning and the provisions of any ordinance of another political subdivision with respect to street configuration, the municipality's ordinances shall prevail.

This act allows the cities of Augusta, Carrollton, Chillicothe, Liberty, Miami, Missouri City, and Pleasant Hill to impose a transient guest tax of up to 5%.

This act allows the City of Sullivan and the portion of the Sullivan C-2 School District located in Franklin County to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels, motels, bed and breakfast inns and campgrounds or docking facilities. The proposed tax must be submitted to the voters and shall not be less than two percent or greater than five percent per occupied room per night.

This act allows the City of St. Louis to put before the voters a ballot measure to allows the city to impose a sales tax, not to exceed one-half of one percent, solely for the purpose of providing revenues for the operation of public safety departments.

This act allows Kansas City to establish, by order or ordinance, an administrative adjudication system for adjudicating parking and other civil, nonmoving municipal code violations. Currently, the City of St. Louis may establish such a system.

This act modifies the length of term for directors of public water supply districts elected in 2008, 2009, and 2010, due to a change in the date of their election from June to April in statute.

This act specifies that in Pulaski County, for the purpose of collecting a transient guest tax, the term "transient guest" means a person who occupies a room in a hotel or motel for 90 days or less during any calendar quarter.

This act is similar to SB 81 (2007), SB 624 (2007), SB 237 (2007), SB 419 (2007), SS/SCS/SB 22 (2007), SS/SCS/HB 69 (2007), CCS/SB 233 (2007), CCS/HCS/SB 30 (2007), HCS/HB 1089 (2007), HCS/HB 234 (2007), & SS/HB 205 (2007), HCS/HB 919 (2007), SB 1212 (2006), SB 624 (2007)

SPONSOR: Flook

HANDLER: Ridgeway

SCS/SB 237 (2007), HB 161 (2007), SB 391 (2007), HB 634 (2007), SB 574 (2007) HCS/HB 406 (2007), & CCS/HCS/SS/SCS/SB 429 (2007) & HB 603 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Kraus

HANDLER: Engler

HB 801 - This act removes the expiration date of August 28, 2007, for the prohibition on political subdivisions providing or offering certain telecommunications services or facilities.

ERIKA JAQUES

SPONSOR: Ervin

HANDLER: Loudon

SS#2/SCS/HCS/HB 818 - This act establishes the Missouri Health Insurance Portability and Accountability Act and changes the laws regarding the Missouri Health Insurance Pool and small employer insurance availability.

HEALTH CARE SHARING MINISTRY TAX DEDUCTION - This act allows taxpayers to subtract from their Missouri adjusted gross income the amount they have paid as a member of a health care sharing ministry. The deduction is only allowed to the extent that the amount is not deducted on the taxpayer's federal income tax return (Section 143.118). The act provides a definition for the term health care sharing ministry. It further provides that the insurance laws of Missouri do not apply to such organizations (Section 376.1750).

HEALTH INSURANCE PREMIUM DEDUCTION - This act authorizes 100% of the amount paid for nonreimbursed qualified health insurance premiums to be deducted from a taxpayer's Missouri taxable income to the extent the amount is not already included in the taxpayer's itemized deductions (Section 143.121). This provision is contained in HCS/HB 364 (2007).

HEALTH INSURANCE TAX CREDIT - This act allows a self-employed taxpayer, who is otherwise ineligible for the federal income health insurance tax deduction under federal law, to receive a tax credit (Section 143.119).

DOWN SYNDROME PRENATAL INFORMATION - This act requires a health care provider to provide certain information to a patient who receives a positive test result from a prenatal test for Down syndrome or other condition, including current information about the conditions tested for, the accuracy of such tests, and resources for obtaining support services for such conditions and referrals to supportive service providers, including the Missouri Alternatives to Abortion Services Program (Section 191.912).

ACCESS TO TAX REFUNDS FOR DELINQUENT MEDICAL BILLS - This act establishes a process for hospitals and other health care providers to levy a person's tax refund or lottery winnings. Under current law, Sections 143.782 to 143.788, allow state agencies to submit an agency debt that a person owes to it to the department of revenue in order to set off the debt by the person's tax refund. Under Section 143.790, a hospital or other healthcare provider may submit a claim to the Department of Health and Senior Services for any debt over 90 days old that is owed to it by a person who was not covered by health insurance or public aid at the time the health care services were administered. If the Department of Health determines that the claim is valid, the claim will become a "debt: of the agency for purposes of the act, and the Department of Health can submit the debt to the Department of Revenue to set off the person's tax refund. The act utilizes the current law with respect to providing notice to the debtor and the opportunity to contest the claim. After receiving the funds from the Department of Revenue, the Department of Health will settle with the hospital or provider. The hospital or provider will be charged an administrative fee not to exceed 20% of the collected amount. The act also provides that lottery prize payouts are subject to the same procedure (Sections 143.782, 143.790, and 313.321).

HMO DEPENDENT COVERAGE FOR DEPENDENTS WITH MENTAL OR PHYSICAL HANDICAPS - Under this act, if a HMO plan provides that dependent child coverage terminates at a certain age, the coverage shall continue while the child is incapable of self-sustaining employment because of a mental or physical handicap and is chiefly dependent upon the enrollee for support. Proof of incapacity and dependency must be provided at least 31 days after the attainment of the limiting age. HMOs may seek subsequent proof of disability and dependency.

SPONSOR: Ervin

HANDLER: Loudon

DEPENDENT COVERAGE UNTIL AGE 25 - Under this act, if a HMO plan provides coverage for an enrollee's dependent under which coverage of the dependent terminates at a specific age before the dependent's 25th birthday, the HMO plan must nevertheless provide coverage (at the enrollee's option) to the dependent after that specific age until the dependent's 25th birthday. In addition to being no more than 25 years of age, the dependent must be unmarried, a state resident and must not be provided health insurance coverage under a health benefit plan or government program (Section 354.536).

GROUP HEALTH INSURANCE DEPENDENT COVERAGE UP TO AGE 25 - Under this act, if a group health insurance policy provides coverage for an certificate holder's dependent under which coverage of the dependent terminates at a specific age before the dependent's 25th birthday, the group plan must nevertheless provide coverage (at the certificate holder's option) to the dependent after that specific age up to the age of 25. In addition to being no more than 25 years of age, the dependent must be unmarried, a state resident and must not be provided health insurance coverage under a health benefit plan or government program (Section 376.426).

INDIVIDUAL ACCIDENT AND SICKNESS INSURANCE DEPENDENT COVERAGE - Under this act, if a policy of accident or sickness insurance provides coverage for a policyholder's dependent under which coverage of the dependent terminates at a specific age before the dependent's 25th birthday, the individual plan must nevertheless provide coverage (at the policyholder's option) to the dependent after that specific age up to the age of 25. In addition to being no more than 25 years of age, the dependent must be unmarried, a state resident and must not be provided health insurance coverage under a health benefit plan or government program (Section 376.776).

HIGH RISK POOL TO OFFER HIGH DEDUCTIBLE POLICIES COUPLE WITH HSAs - This act requires the state high risk pool to offer all eligible persons for pool coverage the option of receiving health insurance coverage through a high deductible plan coupled with a health savings account (Section 376.987).

DISCOUNT MEDICAL PLAN ORGANIZATIONS - This act establishes regulations for discount medical plan organizations that issue health discount medical plans. The provisions are contained in SCS/SB 381 (2007)(Section 376.1500 to 376.1532).

SMALL EMPLOYER HEALTH INSURANCE ACT - This act modifies Section 379.936 by allowing the premium rate for small employer health insurance to vary from the index rate by 35% rather than 25%.

MISSOURI HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT - This act amends several provisions of law relating to group health insurance (large and small group market) and individual health insurance. The act (Sections 376.450 to 376.454) attempts to make Missouri "HIPAA compliant" for purposes of federal law. HIPAA is the Health Insurance Portability Accountability Act which, amongst other things, relates to the crediting of prior health coverage for purposes of reducing preexisting condition exclusion periods and determining eligibility.

The new provisions define such terms as "excepted benefits", "pre-existing condition exclusion", "waiting period", and other terms for purposes of the Missouri health insurance portability and accountability act (Section 376.450).

Under the provisions of the act, an insurer may only exclude or limit coverage on persons if the insurer complies with Sections 376.450 to 376.454. Under the act, a health insurance issuer offering

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HANDLER: Loudon

group coverage may impose a preexisting condition exclusion only if:

- (1) The exclusion relates to a condition for which medical advice, diagnosis, or treatment was recommended or received within the 6 month period ending on the enrollment date;
- (2) The exclusion extends for a period no more than 12 months, or 18 months in the case of a late enrollee; and
- (3) The period of exclusion is reduced by the aggregate period of creditable coverage.

The act sets forth rules on how to apply creditable coverage. For instance, a period of creditable coverage shall not be counted if, after such period and before the enrollment date, there was a 63-day period in which the individual was not covered by insurance. The act also sets forth rules on how to apply preexisting condition exclusions with respect to adopted children and pregnancies.

The act requires group health insurance issuers to provide certifications of creditable coverage as required by federal law.

The act sets forth rules regarding special enrollment periods in which an employee or a dependent may enroll for coverage under certain conditions. For instance, an employee may enroll for coverage if he or she was covered under another group plan when the coverage was originally offered (Section 376.450.7).

The act allows health management organizations to provide an affiliation period for coverage if no pre-existing condition exclusions are imposed, the period is applied uniformly and does not exceed two months or the period starts on the enrollment date and runs concurrently with waiting periods.

This act requires group health insurance issuers to follow standards prohibiting discrimination of eligible individuals based on physical or mental health, claims experience, medical history, genetic information, insurability, or disability and premiums based on health status.

The act establishes standards for group health insurers prohibiting discrimination on premium contributions based on health status. A group health insurer shall not individuals to, as a condition of enrollment, pay a premium that is greater than a premium from a similarly situated individual on the basis of any health status-related factor. This, however, shall not prevent a group health insurer from offering premium discounts or rebates for adherence to health promotion and disease prevention programs (Section 376.451.2).

The act sets forth rules for renewing large group health insurance plans. Under the act, health insurance issuers offering large group market plans shall renew or continue the coverage at the option of the plan sponsor. The health insurance issuer may discontinue coverage for nonpayment of premiums, fraudulent activity by the sponsor (including misrepresentation of material facts relating to coverage), sponsor's failure to comply with minimum participation requirements, sponsor's failure to comply with employer contribution requirements, and other conditions set forth in the act.

A health insurance issuer shall not discontinue offering a particular type of group coverage in the group market unless:

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- (1) The issuer provides at least 90 days notice of such fact to each plan's sponsor;
- (2) The issuer offers each plan sponsor the option to purchase other types of group coverage offered in the large market; and
- (3) The issuer acts uniformly without regard to the claims experience of those plan sponsors or health-status factors of any participant or new participant.

A health insurance issuer shall not discontinue offering all group coverage in the large market unless:

- (1) The health insurance issuer provides at least 180 days to the director, plan sponsors and beneficiaries prior to the date of discontinuation; and
- (2) All health insurance issued in Missouri in the large group market is continued and is not renewed.

Under this act, an employee that provides health insurance coverage may not provide such coverage if the employer has established a premium-only cafeteria plan under federal law (26 U.S.C. §125). Employers who are self-insured are not required to offer the section 125 cafeteria plan (Section 376.453).

The act sets forth similar renewal and discontinuance rules for health insurer issuers offering individual policies in the individual market (Section 376.454).

MISSOURI HEALTH INSURANCE POOL (HIGH RISK) - The act modifies the definition section that governs the Missouri high risk pool provisions. The act adds several new definitions to the high risk pool provision to bring the Missouri Health Insurance Pool into compliance with the federal Health Insurance Portability and Accountability Act (HIPPA) (Section 376.960).

The act specifically provides authority for the director of the Department of Insurance to remove pool board members for neglect of duty, misfeasance, malfeasance, or nonfeasance in office (Section 376.961).

The act allows the board to administer separate accounts to separate federally defined eligible individuals and trade act eligible individuals from other pool eligible individuals (Section 376.964).

The act establishes criteria for determining the individuals eligibility for the high-risk pool and for determining when notifications need to be provided to pool members regarding underwriting, eligibility, premiums, and changes in coverage. Under the act, the following individual persons shall be eligible for pool coverage:

- (1) An individual person who provides evidence of rejection by 2 or more insurers or refusal by an insurer to issue health insurance except at a rate exceeding the plan rate for substantially similar health insurance;
- (2) A federally defined eligible individual who has not experienced a significant break in coverage;
- (3) A trade act eligible individual;
- (4) Each resident dependent of a person who is eligible for plan coverage;

SPONSOR: Ervin

HANDLER: Loudon

(5) Any person, regardless of age, that can be claimed as a dependent of a trade act eligible individual on such trade act eligible individual's tax filing;

(6) Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium or fraud;

(7) Any person whose premiums for health insurance coverage have increased to 150% or more of rates established by the board as applicable for individual standard risks;

(8) Any person currently insured who would have qualified as a federally defined eligible individual or a trade act eligible individual between the effective date of the federal Health Insurance Portability and Accountability Act of 1996 and the effective date of this act.

The act also sets forth which individuals are not eligible for pool coverage. Under the act, persons who have or obtain coverage similar to a pool plan are ineligible for coverage. This exclusion shall not apply to a person who has such coverage if the premiums for such coverage have increased to 150% to 200% of rates established by the board (down from 300%). After December 31, 2009, the exclusion shall not apply to a person who has such coverage if the premiums for such coverage have increased to 300% of the rates established by the board (reverts back to the current 300% standard). A person may maintain eligibility by maintaining other insurance coverage in order to satisfy a preexisting condition waiting period. Similarly, a person may maintain plan coverage to satisfy a preexisting condition waiting period under another health insurance policy intended to replace the pool policy (Section 376.966.3).

Under the act, insurers are required to notify individuals of the existence of the pool and its eligibility requirements if the insurers take certain actions (rejection or cancellation of coverage or limitation of coverage) which are likely to render the individual eligible for pool coverage (Section 376.966.5).

The act requires the pool to establish premium rates for pool coverage. Premium rates and schedules must be submitted to the director for approval prior to use. The standard risk rate shall be determined by considering the premium rates charged by other health insurers offering individual coverage. The initial rates for pool coverage shall not be less than 125% of rates established as applicable for individual standard risks (down from 150%). In no event shall pool rates exceed 150% of the standard rate charge for federally defined eligible individuals and trade act eligible individuals. The same standard applies to other individuals covered under the pool (150%)(down from 200% of standard rate) (Section 376.986.4).

The act requires pool coverage to exclude expenses for 12 months for pre-existing conditions. The act excludes certain individuals (including federally defined eligible individuals and trade act eligible individuals) without significant gaps in coverage (63 days) from pre-existing condition exclusions (Section 376.986.6 and .7).

The act specifically exempts the pool board administrator, board members, and pool employees from legal action pertaining to participation in the required duties of the pool (Section 376.989).

SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT - The act modifies the definition section that governs the Small Employer Health Insurance Availability Act to bring that portion of Missouri law into compliance with the federal Health Insurance Portability and Accountability Act (HIPPA) (Section 376.930). Most notably, the act modifies the definition of "small employer" to mean an employer that employs on average at least two but no more than 50 eligible employees (increased from

SPONSOR: Ervin

HANDLER: Loudon

25 employees).

The act modifies the provision governing when a small employer may renew a small employer health benefit plan. The act provides that a small employer carrier that elects to discontinue offering a particular plan must provide at least 90 days notice to each plan sponsor and offer each plan sponsor the option to purchase other health benefit plans. A small employer carrier that elects to discontinue offering all health insurance coverage in Missouri must provide at least 180 days notice to the director and each plan sponsor. The act provides that an eligible employee of a small employer may choose to retain their individual health insurance policy at the time of open enrollment so long as the small employer provides a defined contribution through a cafeteria 125 plan.

The act repeals three provisions that related to the establishment and operation of the Missouri Small Employer Health Reinsurance Program and the Health Benefit Plan Committee (which is in essence is defunct as its statutory duty has already been performed)(Sections 379.942, 379.943, and 379.944).

MCHCP AND HIGH DEDUCTIBLE PLANS - This act requires the Missouri Consolidated Health Care Plan to offer all qualifies state employees and retirees the option of receiving health care coverage through a high deductible plan combined with a health savings account beginning with the 2009 open enrollment period (sections 103.080 and 103.085).

HIGH RISK POOL BOARD OF DIRECTORS - This act adds 5 ex officio members to the high risk pool board (2 House members, 2 Senators and 1 representative from a Missouri hospital). Their terms shall expire December 31, 2009 (section 376.961).

HIGH RISK POOL FUNDING STUDY - This act requires the board of the state high risk pool to conduct a study regarding the financing of the pool. The board must submit a report of its findings and recommendations to the General Assembly by January 1, 2008 (section 376.990).

TOCOLOGISTS - This act provides that any person who holds current ministerial or tocological certification by an organization accredited by NOCA may provide certain types of services (section 376.1753).

PRESCRIPTION DRUG COVERAGE CANCELLATION - Under the act, a health carrier is required to provide at least 30 days written or electronic notification prior to deleting any drugs from the carrier's prescription drug formulary (Section 376.392).

The act contains an effective date of January 1, 2008, for a majority of the provisions contained in the act.

STEPHEN WITTE

SPONSOR: Moore

HANDLER: Engler

SS/HCS/HB 820 - This act requires the Director of the Department of Corrections to select an execution team. The team shall consist of the persons who administer lethal gas or lethal chemicals and persons who provide direct support for the administration of such gas or chemicals. The identities of execution team members, as defined in the execution protocol, shall be confidential. Any portion of a record that could identify a person as being a current or former execution team member shall be privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for disclosure to any person or entity, the remainder of such record shall not be privileged or closed unless protected by law. The section of an execution protocol that relates to the administration of lethal gas or lethal chemicals is an open record, the remainder of the protocol is a closed record.

A person may not, without the approval of the director, knowingly disclose the identity of an execution team member or disclose a record knowing that it could identify a person as a team member. A person whose identity is disclosed shall have a civil cause of action against a person who violates this provision and shall be entitled to actual and punitive damages.

A licensing board or department shall not censure, reprimand, suspend, revoke, or take other disciplinary action against a person's license because of participation in a lawful execution. All members of the execution team are entitled to coverage under the state legal expense fund for conduct of such execution team member arising out of and performed in connection with his or her official duties on behalf of the state.

This act is similar to SB 258(2007).

SUSAN HENDERSON MOORE

SPONSOR: Schaaf

HANDLER: Shields

HCS/HB 948 - This act modifies provisions relating to genetic and metabolic disease programs.

NEWBORN SCREENING

Under current law, every infant born in Missouri is tested for certain metabolic and genetic diseases and specified health professionals attending to births are required to assure that appropriate specimens are collected and submitted to the Department of Health and Senior Services. All medical test results and personal information relating to genetic testing and obtained from any individual shall be held confidential by the department with certain exceptions. This act provides that in addition to the certain prescribed exceptions, the department may release the results of newborn screening tests to a child's healthcare professional.

This act also provides that specimens collected by the department shall be retained for five years and then destroyed. However, at the time of collection, the parent or legal guardian of the child from whom the specimen was obtained may direct the department to return, destroy or store the specimen. A specimen released for anonymous study shall not contain information that may be used to determine the identity of the donor.

The department may charge a reasonable fee for the use of such specimens for public health research and preparing and supplying specimens for research proposals approved by the department. (Sections 191.300 and 191.317, 191.331.9)

These provisions are substantially similar to SB 612 (2007).

METABOLIC FORMULA DISTRIBUTION PROGRAM

This act modifies the Metabolic Formula Distribution Program. Under current law, formula for the treatment of inherited diseases of amino acids and organic acids are provided to persons meeting certain criteria and an income-based means test determined by the Department of Health and Senior Services. This act modifies those provisions and specifies four separate categories of applicants eligible for assistance under the Metabolic Distribution Formula Program. These four categories of applicants include:

- (1) Applicants ages birth to five years old who have exhausted all benefits from third party payers, including all government assistance programs;
- (2) Applicants between the ages of six to eighteen who have exhausted all benefits from third party payers, including all government assistance programs and whose family income is below three hundred percent of the federal poverty level;
- (3) Applicants between the ages of six to eighteen who have exhausted all benefits from third party payers, including all government assistance programs and whose family income is at three hundred percent of the federal poverty level or above. For these applicants, the department shall establish a sliding scale of fees and monthly premiums to be paid in order to receive assistance under the formula distribution program; and
- (4) Applicants age nineteen and above who have exhausted all benefits from third party payers, including all government assistance programs and who are eligible under an income-based means test established by the department. (Section 191.331.8)

These provisions are identical to SCS/SB 80 (2007).

ADRIANE CROUSE

SPONSOR: Wilson

HANDLER: Goodman

SS/SCS/HCS/HBs 952 & 674 - All new long-term care facilities; assisted living facilities that accept or retain individuals with a physical, cognitive, or other impairment that prevents the individual from safely evacuating the facility with minimal assistance; and facilities completing a major renovation that are licensed by the Department of Health and Senior Services are required to install and maintain an approved sprinkler system in accordance with the standards of the National Fire Protection Association (NFPA) by August 28, 2007. All existing residential care and assisted living facilities with more than 20 residents must install and maintain an approved sprinkler system by December 31, 2012. Long-term care, skilled nursing, and intermediate care facilities must install and maintain an approved sprinkler system by December 31, 2012, unless they receive an exemption from the department or meet the safety requirements of Chapter 33 of NFPA 101.

A loan is available for qualifying facilities, and a payment schedule is provided for up to ten years. Also, all new facilities are required to have complete fire alarm systems in place by August 28, 2007, with current facilities in compliance by December 1, 2008.

Any facility licensed as an intermediate care facility prior to August 28, 2006, that provides the services of an assisted living facility, utilizing the social model of care, may advertise itself as an assisted living facility without obtaining a license from the department to operate as an assisted living facility.

These provisions are substantially similar to provisions in SS/SCS/SB 3 (2007).

ADRIANE CROUSE

SPONSOR: Sander

HANDLER: Scott

HCS/HB 1055 - This act modifies provisions relating to abortion.

SEXUAL EDUCATION - This act revises current law requirements for the presentation of information in public schools relating to contraception and sexually transmitted diseases.

Current law asserts that students must be presented with the latest medically factual information regarding side effects, health benefits, and failure rates for methods of prevention of pregnancy and sexually transmitted diseases. This act alters this provision, adding the option of presenting students with information on contraceptives and pregnancy in a manner consistent with federal abstinence laws.

School districts and charter schools are prohibited from providing abortion services or allowing a person or entity who provides abortion services from offering, sponsoring, or furnishing course materials related to human sexuality and sexually transmitted diseases.

The act explicitly states that its provisions are applicable to charter schools.

These provisions are substantially similar to SB 432 (2007).

MEDICAL EMERGENCIES - Under this act, definitions for "department" and "medical emergency" were added in the chapter regulating abortions.

This act also modifies certain penalties relating to abortion. Currently, there are penalties for any person who knowingly performs or aids in the performance of any abortion. This act includes penalties for those persons who knowingly induce or aid in the inducing of an abortion.

This act also provides for an affirmative medical emergency defense for violations of any abortion provision. Medical emergency is defined as a condition which, on the basis of a physician's good-faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which delay will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman.

These provisions are substantially similar to SB 992 (2006).

AMBULATORY SURGICAL CENTER DEFINITION - This act modifies the definition of "ambulatory surgical center" in Section 197.200, RSMo, to include "any establishment operated for the purpose of performing or inducing any second or third trimester abortions or at least five or more first trimester abortions per month."

These provisions are identical to SB 1199 (2006).

ALTERNATIVES TO ABORTION - This act establishes the Missouri Alternatives to Abortion Services Program and the Missouri Alternatives to Abortion Public Awareness Program. Such programs will provide services or counseling to pregnant women as well as assistance to women in caring for their children or placing them up for adoption. Counseling and services are available to a woman during her pregnancy and for one year after the birth of her child. The department or departments to which the programs are to be assigned by appropriations are required to develop an advertising campaign publicizing alternatives to abortion and to prioritize federal, public, and private moneys so that they are

SPONSOR: Sander

HANDLER: Scott

used first to fund these programs. The programs and their funds shall not be used to perform, induce, or assist in abortions.

These provisions are substantially similar to SB 375 (2007).

This act is identical to SCS/SBs 370, 375 & 432 (2007).

ADRIANE CROUSE

SPONSOR: Nieves

HANDLER: Engler

SCS/HJR 7 - This proposed constitutional amendment, if approved by the voters, requires that English be the language of all official proceedings in this state.

This resolution is similar to SJR 4 (2007).

ALEXA PEARSON

Abortion

HB 1055 - Modifies provisions relating to abortion

Administration, Office of

SB 54 - Modifies provisions relating to renewable energy, alternative fuel, and environmental regulation
SB 288 - Authorizes the Governor to convey certain state properties
HB 352 - Modifies provisions relating to Sheltered Workshops
HB 467 - Authorizes the Governor to convey state property in Pettis County to the Girl Scouts-Heart of Missouri Council, Incorporated

Administrative Law

HB 686 - Expands the rule-making authority of the Board of Nursing Home Administrators

Agriculture and Animals

HB 272 - Designates the three-toed box turtle as the official reptile of the State of Missouri
HB 344 - Modifies liability for crop damage or destruction
HB 351 - Designates the crayfish as the official state invertebrate of the State of Missouri
HB 428 - Creates the State Fair Escrow Fund for expenses associated with the Missouri State Fair and off-season events
HB 576 - Designates the bobwhite quail as the official state game bird of the State of Missouri
HB 680 - Designates Big Bluestem as the official state grass

Agriculture Dept.

SB 54 - Modifies provisions relating to renewable energy, alternative fuel, and environmental regulation
SB 320 - Creates the "Large Animal Veterinary Student Loan Program" and modifies the Large Animal Veterinary Medicine Loan Repayment Program
HB 62 - Designates the Department of Agriculture's building at 1616 Missouri Boulevard in Jefferson City as the "George Washington Carver Building"
HB 344 - Modifies liability for crop damage or destruction
HB 426 - Creates the "Missouri Propane Safety Act"
HB 428 - Creates the State Fair Escrow Fund for expenses associated with the Missouri State Fair and off-season events

Aircraft and Airports

HB 619 - Specifies situations in which the Civil Air Patrol may be activated, which missions are considered federal or state, and who shall pay for such missions

Alcohol

SB 299 - Modifies various provisions relating to liquor control

Annexation

HB 459 - Requires land transfers between municipalities to be filed with the county assessor

Appropriations

HB 1 - To appropriate money to the Board of Fund Commissioners for the cost of issuing, processing and defeasing and to transfer money among certain funds.
HB 2 - To appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions.

Appropriations (cont'd)

- HB 3 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education.
- HB 4 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, the several divisions and programs.
- HB 5 - To appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive
- HB 6 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions.
- HB 7 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations.
- HB 8 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs.
- HB 9 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs.
- HB 10 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services.
- HB 11 - To appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs.
- HB 12 - To appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, etc.
- HB 13 - To appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government.
- HB 14 - To appropriate money for supplemental purposes for several departments , and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007
- HB 15 - To appropriate money for supplemental purposes for the department of Social Services, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007
- HB 16 - To appropriate money for supplemental purposes for the several departments and offices of state government, and to transfer money among certain funds, from funds designated for period ending 6-30-07
- HB 754 - Allows the Department of Corrections to disburse federal and other funds

Architects

- HB 780 - Modifies various provisions relating to professional licensing

Attorney General, State

- HB 801 - Modifies provisions relating to telecommunication services and telephone calls

Attorneys

- HB 220 - Makes a technical correction to Section 456.5-501 of the Missouri Uniform Trust Code
-

Banks and Financial Institutions

- SB 497 - Modifies provisions relating to county officials
SB 591 - Modifies laws relating to credit union membership expansion
-

Boards, Commissions, Committees, Councils

- SB 272 - Modifies various provisions relating to professional licensing
SB 308 - Modifies licensing standards and practice of certain professionals
SB 389 - Modifies several provisions regarding the state's higher education system
SB 420 - Provides that no more than four, rather than three, members of the Clean Water Commission may be from the same political party
HB 298 - Regulates various blasting and excavation activities
HB 686 - Expands the rule-making authority of the Board of Nursing Home Administrators
HB 780 - Modifies various provisions relating to professional licensing
HB 801 - Modifies provisions relating to telecommunication services and telephone calls
-

Bonds - General Obligation and Revenue

- SB 389 - Modifies several provisions regarding the state's higher education system
-

Business and Commerce

- HB 28 - Allows common carriers of household goods to request rate adjustments from the State Highways and Transportation Commission and repeals exemption for household carriers under Chapter 390, RSMo
HB 181 - Requires captioning of electronic video instructional material
HB 221 - Modifies law with respect to motor vehicle extended service contracts and enacts similar provisions relating to other types of service contracts
HB 327 - Modifies provisions of certain Department of Economic Development programs
HB 431 - Modifies laws relating to business organizations and merchandising practices
-

Cemeteries

- HB 780 - Modifies various provisions relating to professional licensing
-

Charities

- SB 46 - Creates the "Faith-Based Organization Liaison Act"
HB 352 - Modifies provisions relating to Sheltered Workshops
HB 453 - Creates an income tax credit for contributions to food pantries and modifies provisions of the Residential Treatment Agency Tax Credit Program
-

Children and Minors

- SB 16 - Provides that each child enrolled in kindergarten or first grade is to receive a comprehensive vision examination
SB 25 - Modifies provisions relating to children's services
SB 30 - Expands the sales tax exemption for common carriers
SB 84 - Modifies provisions relating to child placements and protection
SB 86 - Modifies provisions of the Children in Crisis Tax Credit Program
SB 112 - Modifies provisions relating to special education
SB 233 - Authorizes a sales tax to fund certain services
HB 41 - Modifies various provisions relating to law enforcement
HB 948 - Modifies provisions relating to genetic and metabolic disease programs
-

Cities, Towns and Villages

- SB 22 - Modifies laws relating to political subdivisions

Cities, Towns and Villages (cont'd)

- SB 81 - Allows the city of Sullivan and the portion of the Sullivan C-2 School District located in Franklin County to levy a transient guest tax
- SB 225 - Designates 100-year flood plains as "Hunting Heritage Protection Areas" where hunting shall not be prohibited
- SB 407 - Allows public water supply districts to enter into contracts with other water districts and municipalities to supply water
- HB 205 - Modifies various provisions relating to the promotion of tourism
- HB 268 - Authorizes the Governor to convey an easement over, on, and under state property located in Callaway County to the City of Fulton
- HB 459 - Requires land transfers between municipalities to be filed with the county assessor
- HB 740 - Authorizes the Governor to convey an easement over state property to the City of Warrensburg and the Board of Regents of Northwest Missouri State University to convey state property located in Nodaway County
- HB 741 - Establishes the Missouri Economic Development Code and the Regional Economic Development District Law
- HB 795 - Allows for the creation of theater, cultural arts, and entertainment districts in certain cities and counties, defines transect-based zoning, and authorizes certain taxes in certain political subdivisions
-

Civil Procedure

- SB 416 - Modifies the law with regard to lands held by certain utilities and PSC approval of certain territorial agreements for water and electric service areas
-

Conservation Dept.

- SB 225 - Designates 100-year flood plains as "Hunting Heritage Protection Areas" where hunting shall not be prohibited
- SB 352 - Adds vehicles driven by conservation agents to the list of vehicles considered "emergency vehicles"
-

Constitutional Amendments

- HJR 7 - Makes English the language of all official proceedings in the state
-

Construction and Building Codes

- SB 322 - Modifies various provisions relating to construction-related activities such as changing the requirements for designing and constructing state buildings and expanding commercial zones in certain areas of the state
- HB 298 - Regulates various blasting and excavation activities
-

Consumer Protection

- SB 166 - Modifies various provisions relating to tourism
- SB 308 - Modifies licensing standards and practice of certain professionals
- HB 221 - Modifies law with respect to motor vehicle extended service contracts and enacts similar provisions relating to other types of service contracts
- HB 329 - Allows debt adjusters to administer debt management plans
-

Contracts and Contractors

- SB 339 - Creates the "Fairness in Public Construction Act"
- SB 407 - Allows public water supply districts to enter into contracts with other water districts and municipalities to supply water
- HB 221 - Modifies law with respect to motor vehicle extended service contracts and enacts similar provisions relating to other types of service contracts

Contracts and Contractors (cont'd)

HB 298 - Regulates various blasting and excavation activities

Corporations

SB 215 - Allows for the formation of captive insurance companies within Missouri under certain conditions

HB 431 - Modifies laws relating to business organizations and merchandising practices

Corrections Dept.

HB 555 - Modifies complaint procedures and record retention requirements for complaints against professional licensed counselors and social workers

HB 754 - Allows the Department of Corrections to disburse federal and other funds

HB 820 - Requires the selection of an execution team and creates legal protections for the team members

Counties

SB 22 - Modifies laws relating to political subdivisions

SB 166 - Modifies various provisions relating to tourism

SB 225 - Designates 100-year flood plains as "Hunting Heritage Protection Areas" where hunting shall not be prohibited

SB 233 - Authorizes a sales tax to fund certain services

SB 288 - Authorizes the Governor to convey certain state properties

SB 456 - Grants additional payment to school districts in certain situations

HB 205 - Modifies various provisions relating to the promotion of tourism

HB 684 - Authorizes the Governor to convey state property located in the cities of St. Louis and Kansas City and the counties of St. Francois, Texas, Newton, Greene, and Livingston

HB 740 - Authorizes the Governor to convey an easement over state property to the City of Warrensburg and the Board of Regents of Northwest Missouri State University to convey state property located in Nodaway County

HB 741 - Establishes the Missouri Economic Development Code and the Regional Economic Development District Law

HB 795 - Allows for the creation of theater, cultural arts, and entertainment districts in certain cities and counties, defines transect-based zoning, and authorizes certain taxes in certain political subdivisions

County Government

SB 497 - Modifies provisions relating to county officials

HB 459 - Requires land transfers between municipalities to be filed with the county assessor

County Officials

SB 497 - Modifies provisions relating to county officials

HB 616 - Removes the county assessor from a county board of equalization and requires the county commission to appoint two additional members to the board

Courts

SB 163 - Modifies various provisions with regards to the Basic Civil Legal Services Fund

SB 416 - Modifies the law with regard to lands held by certain utilities and PSC approval of certain territorial agreements for water and electric service areas

SB 456 - Grants additional payment to school districts in certain situations

HB 574 - Modifies procedures for enforcing alcohol-related traffic offenses and allows the St. Louis Board of Police Commissioners to delegate powers to hearing officers

Courts (cont'd)

HB 583 - Modifies provisions relating to crime victims

Credit and Bankruptcy

HB 220 - Makes a technical correction to Section 456.5-501 of the Missouri Uniform Trust Code

HB 329 - Allows debt adjusters to administer debt management plans

Credit Unions

SB 591 - Modifies laws relating to credit union membership expansion

Crimes and Punishment

SB 3 - Enacts provisions on mental health reform

SB 62 - Modifies the laws on the use of force

HB 344 - Modifies liability for crop damage or destruction

HB 820 - Requires the selection of an execution team and creates legal protections for the team members

Criminal Procedure

SB 25 - Modifies provisions relating to children's services

SB 62 - Modifies the laws on the use of force

Disabilities

SB 3 - Enacts provisions on mental health reform

SB 112 - Modifies provisions relating to special education

HB 352 - Modifies provisions relating to Sheltered Workshops

HB 952 - Modifies provisions relating to fire safety standards in long-term care facilities

Domestic Relations

HB 583 - Modifies provisions relating to crime victims

Easements and Conveyances

SB 288 - Authorizes the Governor to convey certain state properties

HB 268 - Authorizes the Governor to convey an easement over, on, and under state property located in Callaway County to the City of Fulton

HB 467 - Authorizes the Governor to convey state property in Pettis County to the Girl Scouts-Heart of Missouri Council, Incorporated

HB 684 - Authorizes the Governor to convey state property located in the cities of St. Louis and Kansas City and the counties of St. Francois, Texas, Newton, Greene, and Livingston

HB 740 - Authorizes the Governor to convey an easement over state property to the City of Warrensburg and the Board of Regents of Northwest Missouri State University to convey state property located in Nodaway County

Economic Development

HB 184 - Requires city or county reimbursement to the community children's services fund in an amount equal to the portion of tax revenues used for tax increment finance projects that would have been allocated to the fund

HB 327 - Modifies provisions of certain Department of Economic Development programs

HB 741 - Establishes the Missouri Economic Development Code and the Regional Economic Development District Law

Economic Development Dept.

- SB 54 - Modifies provisions relating to renewable energy, alternative fuel, and environmental regulation
- SB 389 - Modifies several provisions regarding the state's higher education system
- HB 327 - Modifies provisions of certain Department of Economic Development programs
- HB 497 - Amends the law relating to physician assistants
- HB 554 - Bars entities from discriminating between licensed professional counselors
- HB 686 - Expands the rule-making authority of the Board of Nursing Home Administrators
- HB 741 - Establishes the Missouri Economic Development Code and the Regional Economic Development District Law
-

Education, Elementary and Secondary

- SB 16 - Provides that each child enrolled in kindergarten or first grade is to receive a comprehensive vision examination
- SB 64 - Authorizes school districts to set school opening date up to a certain date prior to Labor Day and provides for exemption to make-up days requirement based on inclement weather
- SB 112 - Modifies provisions relating to special education
- SB 456 - Grants additional payment to school districts in certain situations
- HB 181 - Requires captioning of electronic video instructional material
- HB 264 - Allows the state Board of Education to invest in government securities offered at a discount or at less than par value
- HB 678 - Exempts school districts in declared federal disaster areas based on inclement weather in January 2007 from making up days and time lost due to the inclement weather
-

Education, Higher

- SB 320 - Creates the "Large Animal Veterinary Student Loan Program" and modifies the Large Animal Veterinary Medicine Loan Repayment Program
- SB 389 - Modifies several provisions regarding the state's higher education system
- SB 513 - Allows nurses working in any area of need to qualify for the Professional and Practical Nursing Student Loan Program
- HB 16 - To appropriate money for supplemental purposes for the several departments and offices of state government, and to transfer money among certain funds, from funds designated for period ending 6-30-07
- HB 134 - Modifies provisions regarding appropriations requests for equipment by the University of Missouri
- HB 181 - Requires captioning of electronic video instructional material
-

Elderly

- SB 233 - Authorizes a sales tax to fund certain services
- SB 397 - Modifies provisions relating to applications for long-term care facilities
- SB 418 - Increases the monthly personal needs payment under the Supplemental Nursing Care Program
- HB 98 - Authorizes volunteer transportation services for the elderly
- HB 952 - Modifies provisions relating to fire safety standards in long-term care facilities
-

Elections

- SB 298 - Modifies the election process of hospital district directors in Iron County
- HB 801 - Modifies provisions relating to telecommunication services and telephone calls
-

Elementary and Secondary Education Dept.

- SB 16 - Provides that each child enrolled in kindergarten or first grade is to receive a comprehensive vision examination
- SB 64 - Authorizes school districts to set school opening date up to a certain date prior to Labor Day and provides for exemption to make-up days requirement based on inclement weather
- SB 112 - Modifies provisions relating to special education
- SB 376 - Modifies provisions relating to the financial impact of tourism
- SB 456 - Grants additional payment to school districts in certain situations
- HB 264 - Allows the state Board of Education to invest in government securities offered at a discount or at less than par value
- HB 352 - Modifies provisions relating to Sheltered Workshops
-

Emblems

- SB 166 - Modifies various provisions relating to tourism
- HB 272 - Designates the three-toed box turtle as the official reptile of the State of Missouri
- HB 351 - Designates the crayfish as the official state invertebrate of the State of Missouri
- HB 576 - Designates the bobwhite quail as the official state game bird of the State of Missouri
- HB 680 - Designates Big Bluestem as the official state grass
-

Emergencies

- SB 257 - Modifies the treatment of firearms during state emergencies
- SB 352 - Adds vehicles driven by conservation agents to the list of vehicles considered "emergency vehicles"
- HB 579 - Provides immunity from liability for health care professionals deployed during a state of emergency
- HB 619 - Specifies situations in which the Civil Air Patrol may be activated, which missions are considered federal or state, and who shall pay for such missions
- HB 678 - Exempts school districts in declared federal disaster areas based on inclement weather in January 2007 from making up days and time lost due to the inclement weather
-

Employees - Employers

- SB 47 - Modifies provisions regarding fire protection
- SB 339 - Creates the "Fairness in Public Construction Act"
- SB 433 - Changes laws relating to unemployment compensation for veterans
- HB 818 - Establishes the Missouri Health Insurance Portability and Accountability Act and changes the laws regarding the Missouri Health Insurance Pool and small employer insurance availability
-

Employment Security

- SB 47 - Modifies provisions regarding fire protection
-

Energy

- SB 54 - Modifies provisions relating to renewable energy, alternative fuel, and environmental regulation
- SB 416 - Modifies the law with regard to lands held by certain utilities and PSC approval of certain territorial agreements for water and electric service areas
-

Engineers

- HB 134 - Modifies provisions regarding appropriations requests for equipment by the University of Missouri
- HB 780 - Modifies various provisions relating to professional licensing
-

Entertainment, Sports and Amusements

- HB 428 - Creates the State Fair Escrow Fund for expenses associated with the Missouri State Fair and off-season events
-

Environmental Protection

- SB 420 - Provides that no more than four, rather than three, members of the Clean Water Commission may be from the same political party
- HB 344 - Modifies liability for crop damage or destruction
-

Estates, Wills and Trusts

- HB 220 - Makes a technical correction to Section 456.5-501 of the Missouri Uniform Trust Code
-

Ethics

- HB 801 - Modifies provisions relating to telecommunication services and telephone calls
-

Family Law

- HB 583 - Modifies provisions relating to crime victims
-

Federal - State Relations

- SB 163 - Modifies various provisions with regards to the Basic Civil Legal Services Fund
-

Fees

- SB 163 - Modifies various provisions with regards to the Basic Civil Legal Services Fund
- SB 284 - Authorizes statewide video service franchise agreements
- SB 308 - Modifies licensing standards and practice of certain professionals
-

Fire Protection

- SB 22 - Modifies laws relating to political subdivisions
- SB 47 - Modifies provisions regarding fire protection
- HB 298 - Regulates various blasting and excavation activities
- HB 952 - Modifies provisions relating to fire safety standards in long-term care facilities
-

Firearms

- SB 257 - Modifies the treatment of firearms during state emergencies
-

Funerals and Funeral Directors

- SB 272 - Modifies various provisions relating to professional licensing
-

Gambling

- HB 654 - Increases grants for veterans' service officer programs, establishes the Stolen Valor Act of 2007, and exempts real and personal property owned by veterans' organizations from taxation
-

General Assembly

- SRB 613 - Repeals certain laws that have expired, sunset, terminated, or are ineffective
-

Governor & Lt. Governor

- SB 288 - Authorizes the Governor to convey certain state properties
- HB 268 - Authorizes the Governor to convey an easement over, on, and under state property located in Callaway County to the City of Fulton
- HB 467 - Authorizes the Governor to convey state property in Pettis County to the Girl Scouts-Heart of Missouri Council, Incorporated
- HB 579 - Provides immunity from liability for health care professionals deployed during a state of emergency
- HB 684 - Authorizes the Governor to convey state property located in the cities of St. Louis and Kansas City and the counties of St. Francois, Texas, Newton, Greene, and Livingston
- HB 740 - Authorizes the Governor to convey an easement over state property to the City of Warrensburg and the Board of Regents of Northwest Missouri State University to convey state property located in Nodaway County

Health Care

- SB 4 - Extends the FRA, Pharmacy Tax, Nursing Facility Reimbursement Allowance, and Medicaid Managed Care Reimbursement Allowance sunsets
- SB 513 - Allows nurses working in any area of need to qualify for the Professional and Practical Nursing Student Loan Program
- SB 577 - Enacts the "Missouri Health Improvement Act of 2007"
- HB 182 - Establishes the Outside the Hospital Do-Not-Resuscitate Act to permit the execution of do-not-resuscitate orders for use by emergency medical providers for patients receiving treatment outside a hospital
- HB 497 - Amends the law relating to physician assistants
- HB 818 - Establishes the Missouri Health Insurance Portability and Accountability Act and changes the laws regarding the Missouri Health Insurance Pool and small employer insurance availability
- HB 948 - Modifies provisions relating to genetic and metabolic disease programs
- HB 1055 - Modifies provisions relating to abortion

Health Care Professionals

- SB 513 - Allows nurses working in any area of need to qualify for the Professional and Practical Nursing Student Loan Program
- SB 577 - Enacts the "Missouri Health Improvement Act of 2007"
- HB 182 - Establishes the Outside the Hospital Do-Not-Resuscitate Act to permit the execution of do-not-resuscitate orders for use by emergency medical providers for patients receiving treatment outside a hospital
- HB 497 - Amends the law relating to physician assistants
- HB 554 - Bars entities from discriminating between licensed professional counselors
- HB 555 - Modifies complaint procedures and record retention requirements for complaints against professional licensed counselors and social workers
- HB 579 - Provides immunity from liability for health care professionals deployed during a state of emergency
- HB 780 - Modifies various provisions relating to professional licensing
- HB 818 - Establishes the Missouri Health Insurance Portability and Accountability Act and changes the laws regarding the Missouri Health Insurance Pool and small employer insurance availability
- HB 948 - Modifies provisions relating to genetic and metabolic disease programs
- HB 1055 - Modifies provisions relating to abortion

Health Dept.

- SB 16 - Provides that each child enrolled in kindergarten or first grade is to receive a comprehensive vision examination
- SB 272 - Modifies various provisions relating to professional licensing
- SB 397 - Modifies provisions relating to applications for long-term care facilities
- HB 98 - Authorizes volunteer transportation services for the elderly
- HB 948 - Modifies provisions relating to genetic and metabolic disease programs
- HB 952 - Modifies provisions relating to fire safety standards in long-term care facilities
-

Health, Public

- SB 577 - Enacts the "Missouri Health Improvement Act of 2007"
-

Higher Education Dept.

- SB 389 - Modifies several provisions regarding the state's higher education system
- HB 16 - To appropriate money for supplemental purposes for the several departments and offices of state government, and to transfer money among certain funds, from funds designated for period ending 6-30-07
- HB 134 - Modifies provisions regarding appropriations requests for equipment by the University of Missouri
-

Highway Patrol

- SB 127 - Modifies provisions within the Department of Transportation and Highway Patrol Employees' Retirement System
- SB 406 - Modifies multiple provisions regarding several employee benefit plans
- HB 405 - Modifies provisions relating to the administrative duties of the Missouri State Highway Patrol
- HB 574 - Modifies procedures for enforcing alcohol-related traffic offenses and allows the St. Louis Board of Police Commissioners to delegate powers to hearing officers
-

Hospitals

- SB 298 - Modifies the election process of hospital district directors in Iron County
- HB 182 - Establishes the Outside the Hospital Do-Not-Resuscitate Act to permit the execution of do-not-resuscitate orders for use by emergency medical providers for patients receiving treatment outside a hospital
- HB 818 - Establishes the Missouri Health Insurance Portability and Accountability Act and changes the laws regarding the Missouri Health Insurance Pool and small employer insurance availability
-

Insurance - Automobile

- SB 82 - Modifies various provisions relating to the regulation of motor vehicles
-

Insurance - General

- SB 66 - Modifies various provisions of law relating to investments by insurance companies, enforcement powers of the Department of Insurance, and revises title insurance code
- SB 215 - Allows for the formation of captive insurance companies within Missouri under certain conditions
-

Insurance - Life

- SB 66 - Modifies various provisions of law relating to investments by insurance companies, enforcement powers of the Department of Insurance, and revises title insurance code

Insurance - Medical

- SB 66 - Modifies various provisions of law relating to investments by insurance companies, enforcement powers of the Department of Insurance, and revises title insurance code
- HB 791 - Requires health carriers to provide certain claims and financial data for the previous three years when requested by an employer
- HB 818 - Establishes the Missouri Health Insurance Portability and Accountability Act and changes the laws regarding the Missouri Health Insurance Pool and small employer insurance availability
-

Insurance Dept.

- SB 66 - Modifies various provisions of law relating to investments by insurance companies, enforcement powers of the Department of Insurance, and revises title insurance code
- SB 215 - Allows for the formation of captive insurance companies within Missouri under certain conditions
- HB 221 - Modifies law with respect to motor vehicle extended service contracts and enacts similar provisions relating to other types of service contracts
- HB 327 - Modifies provisions of certain Department of Economic Development programs
- HB 791 - Requires health carriers to provide certain claims and financial data for the previous three years when requested by an employer
- HB 818 - Establishes the Missouri Health Insurance Portability and Accountability Act and changes the laws regarding the Missouri Health Insurance Pool and small employer insurance availability
-

Kansas City

- SB 172 - Modifies provisions regarding supplemental retirement benefits for Kansas City police officers and civilian employees
- HB 684 - Authorizes the Governor to convey state property located in the cities of St. Louis and Kansas City and the counties of St. Francois, Texas, Newton, Greene, and Livingston
-

Lakes, Rivers and Waterways

- SB 225 - Designates 100-year flood plains as "Hunting Heritage Protection Areas" where hunting shall not be prohibited
-

Law Enforcement Officers and Agencies

- SB 84 - Modifies provisions relating to child placements and protection
- SB 172 - Modifies provisions regarding supplemental retirement benefits for Kansas City police officers and civilian employees
- SB 270 - Modifies provisions relating to the POST Commission
- HB 41 - Modifies various provisions relating to law enforcement
- HB 56 - Designates a memorial bridge after Senator Bond and designates several memorial highways.
- HB 405 - Modifies provisions relating to the administrative duties of the Missouri State Highway Patrol
-

Liability

- HB 344 - Modifies liability for crop damage or destruction
- HB 579 - Provides immunity from liability for health care professionals deployed during a state of emergency

Licenses - Motor Vehicle

- SB 384 - Modifies procedure for replacing stolen license plate tabs and allows license plates to be encased in transparent covers
-

Licenses - Professional

- SB 91 - Exempts dealers who sell only emergency vehicles from certain dealer licensure requirements
- SB 195 - Modifies the law relating to the licensing of pharmacists
- SB 272 - Modifies various provisions relating to professional licensing
- SB 308 - Modifies licensing standards and practice of certain professionals
- HB 221 - Modifies law with respect to motor vehicle extended service contracts and enacts similar provisions relating to other types of service contracts
- HB 497 - Amends the law relating to physician assistants
- HB 554 - Bars entities from discriminating between licensed professional counselors
- HB 555 - Modifies complaint procedures and record retention requirements for complaints against professional licensed counselors and social workers
- HB 686 - Expands the rule-making authority of the Board of Nursing Home Administrators
- HB 780 - Modifies various provisions relating to professional licensing
-

Liens

- SB 302 - Modifies provisions relating to commercial real estate liens and mechanic liens
-

Medicaid

- SB 4 - Extends the FRA, Pharmacy Tax, Nursing Facility Reimbursement Allowance, and Medicaid Managed Care Reimbursement Allowance sunsets
- SB 577 - Enacts the "Missouri Health Improvement Act of 2007"
-

Medical Procedures and Personnel

- HB 497 - Amends the law relating to physician assistants
-

Mental Health

- SB 3 - Enacts provisions on mental health reform
-

Mental Health Dept.

- SB 3 - Enacts provisions on mental health reform
-

Merchandising Practices

- HB 431 - Modifies laws relating to business organizations and merchandising practices
-

Military Affairs

- HB 619 - Specifies situations in which the Civil Air Patrol may be activated, which missions are considered federal or state, and who shall pay for such missions
- HB 654 - Increases grants for veterans' service officer programs, establishes the Stolen Valor Act of 2007, and exempts real and personal property owned by veterans' organizations from taxation
-

Mining and Oil and Gas Production

- HB 298 - Regulates various blasting and excavation activities
- HB 426 - Creates the "Missouri Propane Safety Act"
-

Motor Carriers

- SB 30 - Expands the sales tax exemption for common carriers

Motor Carriers (cont'd)

- HB 28 - Allows common carriers of household goods to request rate adjustments from the State Highways and Transportation Commission and repeals exemption for household carriers under Chapter 390, RSMo
-

Motor Fuel

- SB 54 - Modifies provisions relating to renewable energy, alternative fuel, and environmental regulation
-

Motor Vehicles

- SB 82 - Modifies various provisions relating to the regulation of motor vehicles
- SB 91 - Exempts dealers who sell only emergency vehicles from certain dealer licensure requirements
- SB 322 - Modifies various provisions relating to construction-related activities such as changing the requirements for designing and constructing state buildings and expanding commercial zones in certain areas of the state
- SB 384 - Modifies procedure for replacing stolen license plate tabs and allows license plates to be encased in transparent covers
- HB 221 - Modifies law with respect to motor vehicle extended service contracts and enacts similar provisions relating to other types of service contracts
-

Natural Resources Dept.

- SB 54 - Modifies provisions relating to renewable energy, alternative fuel, and environmental regulation
- SB 198 - Modifies provisions relating to crime in or near parks, cooperative agreements with state parks, certain historic shipwrecks, and certain hunting activities on private land
- SB 420 - Provides that no more than four, rather than three, members of the Clean Water Commission may be from the same political party
- HB 75 - Authorizes the Director of the Department of Natural Resources to enter into agreements with private, not-for-profit organizations to provide services for state parks
-

Nurses

- SB 513 - Allows nurses working in any area of need to qualify for the Professional and Practical Nursing Student Loan Program
- HB 780 - Modifies various provisions relating to professional licensing
-

Nursing and Boarding Homes

- SB 397 - Modifies provisions relating to applications for long-term care facilities
- SB 418 - Increases the monthly personal needs payment under the Supplemental Nursing Care Program
- SB 513 - Allows nurses working in any area of need to qualify for the Professional and Practical Nursing Student Loan Program
- HB 686 - Expands the rule-making authority of the Board of Nursing Home Administrators
- HB 780 - Modifies various provisions relating to professional licensing
- HB 952 - Modifies provisions relating to fire safety standards in long-term care facilities
-

Optometry

- SB 16 - Provides that each child enrolled in kindergarten or first grade is to receive a comprehensive vision examination
-

Parks and Recreation

- SB 198 - Modifies provisions relating to crime in or near parks, cooperative agreements with state parks, certain historic shipwrecks, and certain hunting activities on private land
- HB 75 - Authorizes the Director of the Department of Natural Resources to enter into agreements with private, not-for-profit organizations to provide services for state parks
-

Pharmacy

- SB 4 - Extends the FRA, Pharmacy Tax, Nursing Facility Reimbursement Allowance, and Medicaid Managed Care Reimbursement Allowance sunsets
- SB 195 - Modifies the law relating to the licensing of pharmacists
- SB 272 - Modifies various provisions relating to professional licensing
- HB 780 - Modifies various provisions relating to professional licensing
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Physical Therapists

- SB 272 - Modifies various provisions relating to professional licensing
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Physicians

- HB 182 - Establishes the Outside the Hospital Do-Not-Resuscitate Act to permit the execution of do-not-resuscitate orders for use by emergency medical providers for patients receiving treatment outside a hospital
- HB 497 - Amends the law relating to physician assistants
- HB 1055 - Modifies provisions relating to abortion
-

Political Parties

- HB 801 - Modifies provisions relating to telecommunication services and telephone calls
-

Political Subdivisions

- SB 22 - Modifies laws relating to political subdivisions
- SB 257 - Modifies the treatment of firearms during state emergencies
- SB 284 - Authorizes statewide video service franchise agreements
- SB 298 - Modifies the election process of hospital district directors in Iron County
- HB 795 - Allows for the creation of theater, cultural arts, and entertainment districts in certain cities and counties, defines transect-based zoning, and authorizes certain taxes in certain political subdivisions
- HB 801 - Modifies provisions relating to telecommunication services and telephone calls
-

Prisons and Jails

- HB 820 - Requires the selection of an execution team and creates legal protections for the team members
-

Property, Real and Personal

- SB 302 - Modifies provisions relating to commercial real estate liens and mechanic liens
- SB 416 - Modifies the law with regard to lands held by certain utilities and PSC approval of certain territorial agreements for water and electric service areas
- HB 298 - Regulates various blasting and excavation activities
- HB 344 - Modifies liability for crop damage or destruction
-

Public Assistance

- SB 46 - Creates the "Faith-Based Organization Liaison Act"
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Public Buildings

- SB 322 - Modifies various provisions relating to construction-related activities such as changing the requirements for designing and constructing state buildings and expanding commercial zones in certain areas of the state
- HB 62 - Designates the Department of Agriculture's building at 1616 Missouri Boulevard in Jefferson City as the "George Washington Carver Building"

Public Records, Public Meetings

- HJR 7 - Makes English the language of all official proceedings in the state

Public Safety Dept.

- SB 299 - Modifies various provisions relating to liquor control
- HB 298 - Regulates various blasting and excavation activities
- HB 461 - Changes the laws regarding the State Water Patrol

Public Service Commission

- SB 54 - Modifies provisions relating to renewable energy, alternative fuel, and environmental regulation
- SB 284 - Authorizes statewide video service franchise agreements
- SB 407 - Allows public water supply districts to enter into contracts with other water districts and municipalities to supply water

Religion

- SB 46 - Creates the "Faith-Based Organization Liaison Act"

Retirement - State

- SB 406 - Modifies multiple provisions regarding several employee benefit plans

Retirement Systems and Benefits - General

- SB 127 - Modifies provisions within the Department of Transportation and Highway Patrol Employees' Retirement System
- SB 172 - Modifies provisions regarding supplemental retirement benefits for Kansas City police officers and civilian employees

Revenue Dept.

- SB 82 - Modifies various provisions relating to the regulation of motor vehicles
- SB 91 - Exempts dealers who sell only emergency vehicles from certain dealer licensure requirements
- SB 284 - Authorizes statewide video service franchise agreements
- SB 384 - Modifies procedure for replacing stolen license plate tabs and allows license plates to be encased in transparent covers
- HB 574 - Modifies procedures for enforcing alcohol-related traffic offenses and allows the St. Louis Board of Police Commissioners to delegate powers to hearing officers
- HB 818 - Establishes the Missouri Health Insurance Portability and Accountability Act and changes the laws regarding the Missouri Health Insurance Pool and small employer insurance availability

Revision Bills

- SRB 613 - Repeals certain laws that have expired, sunset, terminated, or are ineffective

Roads and Highways

- SB 82 - Modifies various provisions relating to the regulation of motor vehicles

Roads and Highways (cont'd)

- SB 322 - Modifies various provisions relating to construction-related activities such as changing the requirements for designing and constructing state buildings and expanding commercial zones in certain areas of the state
- HB 56 - Designates a memorial bridge after Senator Bond and designates several memorial highways.
- HB 732 - Adds emergency personnel killed while performing their duties to the list of individuals who are exempt from the formalized highway naming process set forth in Section 227.299, RSMo

Saint Louis

- SB 288 - Authorizes the Governor to convey certain state properties
- HB 41 - Modifies various provisions relating to law enforcement
- HB 684 - Authorizes the Governor to convey state property located in the cities of St. Louis and Kansas City and the counties of St. Francois, Texas, Newton, Greene, and Livingston

Salaries

- SB 339 - Creates the "Fairness in Public Construction Act"

Secretary of State

- HB 431 - Modifies laws relating to business organizations and merchandising practices

Securities

- SB 66 - Modifies various provisions of law relating to investments by insurance companies, enforcement powers of the Department of Insurance, and revises title insurance code
- HB 264 - Allows the state Board of Education to invest in government securities offered at a discount or at less than par value

Social Services Dept.

- SB 16 - Provides that each child enrolled in kindergarten or first grade is to receive a comprehensive vision examination
- SB 25 - Modifies provisions relating to children's services
- SB 46 - Creates the "Faith-Based Organization Liaison Act"
- SB 84 - Modifies provisions relating to child placements and protection
- SB 418 - Increases the monthly personal needs payment under the Supplemental Nursing Care Program
- SB 577 - Enacts the "Missouri Health Improvement Act of 2007"

State Employees

- SB 406 - Modifies multiple provisions regarding several employee benefit plans

State Tax Commission

- HB 616 - Removes the county assessor from a county board of equalization and requires the county commission to appoint two additional members to the board

Taxation and Revenue - General

- SB 4 - Extends the FRA, Pharmacy Tax, Nursing Facility Reimbursement Allowance, and Medicaid Managed Care Reimbursement Allowance sunsets
- SB 86 - Modifies provisions of the Children in Crisis Tax Credit Program
- SB 284 - Authorizes statewide video service franchise agreements

Taxation and Revenue - General (cont'd)

- HB 184 - Requires city or county reimbursement to the community children's services fund in an amount equal to the portion of tax revenues used for tax increment finance projects that would have been allocated to the fund
- HB 327 - Modifies provisions of certain Department of Economic Development programs
- HB 818 - Establishes the Missouri Health Insurance Portability and Accountability Act and changes the laws regarding the Missouri Health Insurance Pool and small employer insurance availability

Taxation and Revenue - Income

- SB 162 - Modifies the definition of "state agency" with regard to income tax set offs
- HB 327 - Modifies provisions of certain Department of Economic Development programs
- HB 444 - Exempts Social Security benefits from income taxation
- HB 453 - Creates an income tax credit for contributions to food pantries and modifies provisions of the Residential Treatment Agency Tax Credit Program

Taxation and Revenue - Property

- SB 22 - Modifies laws relating to political subdivisions
- HB 616 - Removes the county assessor from a county board of equalization and requires the county commission to appoint two additional members to the board
- HB 741 - Establishes the Missouri Economic Development Code and the Regional Economic Development District Law

Taxation and Revenue - Sales and Use

- SB 22 - Modifies laws relating to political subdivisions
- SB 30 - Expands the sales tax exemption for common carriers
- SB 81 - Allows the city of Sullivan and the portion of the Sullivan C-2 School District located in Franklin County to levy a transient guest tax
- SB 166 - Modifies various provisions relating to tourism
- SB 233 - Authorizes a sales tax to fund certain services
- SB 497 - Modifies provisions relating to county officials
- HB 184 - Requires city or county reimbursement to the community children's services fund in an amount equal to the portion of tax revenues used for tax increment finance projects that would have been allocated to the fund
- HB 327 - Modifies provisions of certain Department of Economic Development programs
- HB 741 - Establishes the Missouri Economic Development Code and the Regional Economic Development District Law
- HB 795 - Allows for the creation of theater, cultural arts, and entertainment districts in certain cities and counties, defines transect-based zoning, and authorizes certain taxes in certain political subdivisions

Teachers

- SB 64 - Authorizes school districts to set school opening date up to a certain date prior to Labor Day and provides for exemption to make-up days requirement based on inclement weather
- SB 389 - Modifies several provisions regarding the state's higher education system

Telecommunications

- HB 801 - Modifies provisions relating to telecommunication services and telephone calls

Tourism

- SB 64 - Authorizes school districts to set school opening date up to a certain date prior to Labor Day and provides for exemption to make-up days requirement based on inclement weather
- SB 81 - Allows the city of Sullivan and the portion of the Sullivan C-2 School District located in Franklin County to levy a transient guest tax
- SB 166 - Modifies various provisions relating to tourism
- SB 299 - Modifies various provisions relating to liquor control
- SB 376 - Modifies provisions relating to the financial impact of tourism
- HB 205 - Modifies various provisions relating to the promotion of tourism
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Transportation

- SB 82 - Modifies various provisions relating to the regulation of motor vehicles
- SB 322 - Modifies various provisions relating to construction-related activities such as changing the requirements for designing and constructing state buildings and expanding commercial zones in certain areas of the state
- HB 28 - Allows common carriers of household goods to request rate adjustments from the State Highways and Transportation Commission and repeals exemption for household carriers under Chapter 390, RSMo
- HB 98 - Authorizes volunteer transportation services for the elderly
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Transportation Dept.

- SB 82 - Modifies various provisions relating to the regulation of motor vehicles
- SB 406 - Modifies multiple provisions regarding several employee benefit plans
- HB 56 - Designates a memorial bridge after Senator Bond and designates several memorial highways.
- HB 732 - Adds emergency personnel killed while performing their duties to the list of individuals who are exempt from the formalized highway naming process set forth in Section 227.299, RSMo
-

Unemployment Compensation

- SB 433 - Changes laws relating to unemployment compensation for veterans
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Uniform Laws

- HB 220 - Makes a technical correction to Section 456.5-501 of the Missouri Uniform Trust Code
- HJR 7 - Makes English the language of all official proceedings in the state
-

Utilities

- SB 407 - Allows public water supply districts to enter into contracts with other water districts and municipalities to supply water
- SB 416 - Modifies the law with regard to lands held by certain utilities and PSC approval of certain territorial agreements for water and electric service areas
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Veterans

- SB 433 - Changes laws relating to unemployment compensation for veterans
- HB 654 - Increases grants for veterans' service officer programs, establishes the Stolen Valor Act of 2007, and exempts real and personal property owned by veterans' organizations from taxation
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Veterinarians

SB 320 - Creates the "Large Animal Veterinary Student Loan Program" and modifies the Large Animal Veterinary Medicine Loan Repayment Program

Victims of Crime

HB 583 - Modifies provisions relating to crime victims

Water Patrol

HB 461 - Changes the laws regarding the State Water Patrol

Water Resources and Water Districts

SB 407 - Allows public water supply districts to enter into contracts with other water districts and municipalities to supply water

SB 420 - Provides that no more than four, rather than three, members of the Clean Water Commission may be from the same political party
